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# Land Access and Management rights among refugee women in Uganda.

A Case study of Lobule Refugee settlement, West Nile Sub-Region.

Master's thesis in Natural Resources Management

Supervisor: Haakon Lein

Co-supervisor: Charlotte Anne Nakakaawa Jjunju

June 2023



One of the homes of the refugees in Lobule refugee settlement



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## **Abstract**

In Uganda, the Lobule Refugee Settlement is implementing an integrated development approach on refugee management. The approach aims to empower and create self-reliance among refugees. The Office of the Prime Minister (OPM) allocates land to refugee for their settlement and livelihood. The land is insufficient to sustain the refugees in their protracted situation, so they seek for land from the host community. Land rights are examined from historical, institutional, theoretical, conceptual, and social perspectives. This situates the study within current discourses about secure land rights for food security. The qualitative research aimed to investigate the social and institutional structures that affect refugee women's land access and management rights in Uganda. The study had three questions: what are the factors that influence land access, how do refugee women get access to and use of land and what are the implications of land access and management to refugee women in the host community. The individual, key informant, focus group interviews and field observations generated the data, which was then analysed using content analysis. The findings revealed that social interactions of refugee women with landowners determine their land rights. Their land access depends on availability of cash or money that determines the size, and crops to be grown on the hired land. The organizations use the existing policies and laws to facilitate land access and management processes among refugee women. Refugee women experience some difficulties as they gain access to, use, and manage the hired land. These include inconsistencies in transactions by the customary landowners such as variation in cost of hire. The uncertainty and duration in hiring land prevent refugee women from actively participating in sustainable land use and management practices. The majority of the interviewees proposed group farming as a method of improving food security. The study concludes that the Government and non- governmental organizations need to review the policies on land allocation to ensure arable land is provided or hired for refugees. Finally, the need to promote locally appropriate, and sustainable approaches to land use and management practices that will improve food security for the refugees and host communities.



**Declaration**

I declare that this is my original work and has not been produced elsewhere for the award of a Masters in Natural Resources Management specializing in Geography. I have acknowledged people's idea that have been used.



## **Acknowledgement**

I wish to Thank the Almighty God for granting me the Scholarship opportunity to pursue this Masters in Norway.

To all those who supported me during the start of my proposal to this point of completing my thesis, I wish to express my heartfelt gratitude. The research study would not have been done without your contributions, so accept my *Tusen takk*.

My supervisors, Professor Haakon Lein and Dr. Charlotte Anne Nakakaawa Jjunju for their advice, guidance, and contribution towards writing this thesis.

Koboko District Local Government for their trust and confidence in approving my study leave to pursue my studies in Norway. Special thanks to the office of the Chief Administrative officer and my colleagues in the Natural Resources Department.

To the Office of the Prime Minister (OPM) and the development partners working in Lobule Refugee Settlement, Lobule Sub- County leadership, Refugee welfare committee (RWC) and the research assistants for their support during my fieldwork.

My fellow course mates in NARM geography and Biology who were supportive during the master's Programme. I wish to acknowledge and appreciate my colleagues for reading through my work and advising accordingly especially Emmanuel Viga.

To my family members especially my parents and my brothers Mawa, Arafat and Dusman, friends, and relatives both in Uganda and Norway thank you for moral, spiritual, and financial support. In, a special way I wish to thank Dr. Sarah khasalamwa and Robert Mwandha for always being that other family in Norway, God Bless you abundantly.

Finally, the Norwegian Agency for International Cooperation and Quality Enhancement in Higher Education (DIKU) support under the COSTCLIM project for the scholarship awarded for my master's course. I wish to say that, *Jeg setter pris på muligheten, og jeg er veldig takknemlig*.



*To Brani Aluma & Hellen Aluma, Adoke Elias, Toliba Jawdan*

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## List of Acronyms

ACAV	Associazione Centro Aiuti Volontari
CAO	Chief Administrative Officer
CDO	Community Development Officer
CEFORD	Community Empowerment for Rural Development
CRRF	Comprehensive Refugee Response Framework
DIKU	Norwegian Agency for International Cooperation and Quality Enhancement in Higher Education
DRC	Danish Refugee Council
DRDIP	Development Response to Displacement Impacts Project
FAO	Food Agricultural Organisation
GOU	Government of Uganda
HADS	Humanitarian Assistance for Development Services
JAM	Joint Aid Management
KDLG	Koboko District Local Government
KII	Key Informant Interviewee
LC	Local Council
LG	Local Government
LTPR	Land Tenure and Property Rights
NEMA	National Environment Management Authority
NTNU	Norwegian University of Science and Technology
OPM	Office of the Prime Minister
ReHoPE	Refugee and Host Population Empowerment framework
RWC	Refugee Welfare Council
SDGs	Sustainable Development Goals
SRS	Self-Reliance Strategy
UBOS	Uganda Bureau of Statistics
UNHCR	United Nation High Commissioner for Refugees
USAID	United States Agency for International Development
UGX	Uganda Shillings
WASH	Water, Sanitation and Hygiene
WFP	World Food Programme

# CHAPTER 1: INTRODUCTION

## 1.1 Introduction of the study

Land is a limited natural resource vital for food and human well-being. In Global development discourse, land is a focus of attention in discussions of economic development (Chu, 2011; FAO., 2002). In relation to Sustainable Development Goals (SDGs), land is considered as a critical element in achieving many of the SDGs. This is because of the realisation that, there can be many trade-offs on SDGs because of land (Zhao et al., 2021). Achieving the SDGs and the notion of "leave no one behind" even make the issue of refugee access to land more obvious. Refugees like any other citizen need land for farming, settlement, and to harvest other natural resources offered by land such as firewood and water. In Uganda, for instance, attempts to incorporate land access rights of refugee has been actualised by implementing the Comprehensive Refugee Response Framework (CRRF). Under this policy, the Government of Uganda (G.O.U) allocates a 30metres-by-30metres piece of land for each refugee household in West Nile region (OPM, 2020). Although praised as progressive and reference point for modern refugee management (Taylor et al., 2016), Uganda's CRRF implementation is marred with a lot of loopholes (Mark, 2021).

Realities on the ground contradict policy prescriptions (Berke & Larsen, 2022). Land allocated to refugees is insufficient to attain a sustainable livelihood (Easton Calabari 2022), and this has left many refugees to seek land beyond the boundaries of their settlement. It is this context that this research explored the social and institutional structures. Refugees' land access and complex transactions that go beyond formal policy prescription to get land beyond the boundaries of the settlement. Moreover, though the discussions on land access can seem universal, an examination of the processes, and procedures for land access spell a gender bias. Unlike men, women's access to land can prove daunting, and yet empirical research has illustrated that women's empowerment especially in developing countries is closely related to their access to land resources (Chu, 2011; FAO., 2002). For instance, a report by UN, (2021), suggests that if women had better access to land, poverty and food insecurity would be reduced around the world as is emphasized by SDG 5.

Refugee women are often seen as disempowered, passive victims, living in patriarchal societies. However, forced displacement can break traditional patriarchal patterns allowing the refugees to renegotiate and redefine gender relations (Krause, 2014). Hannay (2014) as cited in Okot (2021) argues that in Africa women's land rights are still a highly contentious issue and for Uganda it's a common apprehension that customary laws obstruct women land right. Refugee women's vulnerability is compounded by their state of temporality, (Brun, 2016; Fontanari, 2017). The temporary nature of refugees contributes to socio-economic exclusion and insecurity (Dotsey & Lumley-Sapanski, 2021) especially when land access and management rights are not given adequate attention. However, if refugee women are provided with land, it can lead to their empowerment (Krause, 2014). And yet studies have shown that women are better positioned than men to be the leaders of sustainable land use and management because of their strategic roles in society as educators, and managers of the environment (Babarinde, 2014; Buscher, 2010). This study investigates land access and management rights among refugee women beyond the Lobule refugee settlement area in Koboko District of Uganda.

## **1.2 Statement of the Problem**

Refugees and host communities are dependent on natural resources to meet their basic needs such as collection of wood fuel for cooking energy, gathering of materials for shelter and agricultural land (Kreibaum, 2016). The Uganda refugee policies stipulate that, in a settlement, refugees are entitled to a piece of land which allows them to put up a house, toilet and cultivate on it. This is normally a 30m-by-30m piece of land irrespective of household size. (OPM, 2017). UNHCR and OPM allocated shelter sites adjacent to the 50m by 50 m agricultural plot. However, as land was assigned and the influx of refugees continued, OPM reduced this plot size to 30 m by 30 m to accommodate new arrivals (Ahaibwe & Ntale, 2018; Berke & Larsen, 2022).

Koboko District is hosting Congolese refugees in Lobule Refugee settlement. Due to the social and ethnic conflicts in Democratic Republic of Congo in 2013 people were forced to abandon their homes and seek protection outside their country in neighbouring countries such as Uganda. Uganda continues to experience high-refugee population

influx that is beyond the established settlement capacities (Bernard et al., 2020). A World Bank (2019) report described how the increased influx of refugees has worsened conditions in those hosting areas due to the nationals' limited resilience to shocks, the local institutions' limited capacities, and the area's low levels of human capital.

Refugee influxes increase competition for land due to different of land use types and the demand for land (FAO, 2011; Fielden, 2008). Since the OPM has no land in Lobule subcounty, they request the customary landowners to sacrifice part of their land to settle the refugees. It is from this land that they allocate to the refugees. Poor land allocation management can only amplify conflicts between the refugee and host populations (Ahimbisibwe et al., 2017) and threaten Uganda's self-reliance approach (Bjørkhaug, 2020). This research investigates how refugee women navigate the social and institutional structures to access, use and manage land in Uganda. In this thesis social structures shall refer to the customary land tenure, cultural norms and values and social interactions. Institutional structures shall refer to policies, laws and regulation, organizations that facilitate land rights among refugee women.

### **1.3 Research Question**

The main research question is: How do the social and institutional structures affect refugee women's access and management rights to land in Uganda? The sub-questions are as follow:

1. What are the factors that influence access to land by refugee women in the settlement area?
2. How do refugee women get access to and use of land in the settlement area?
3. What are the implications of land access and management to refugee women in the settlement area?

### **1.4 Significance of the Study**

The master's study is supported by the COSTCLIM project that aims for collaborative action for strengthening training capacities in Climate Risk and Natural Resources management. Over 80% of communities in Uganda rely directly on land, agriculture, and fishing for their livelihoods (Failler, Karani & Seide, 2016). In Uganda, land use

and management practices need to be reviewed given the increasing national population which is approximately 45million people (Bank, 2021). Refugee influxes create competition and demand for land resources (Bappa et al., 2022; Rahaman et al., 2022). Land allocated to refugees is insufficient to attain a sustainable livelihood (Berke & Larsen, 2022; Easton-Calabria, 2022), refugees then look for land beyond the settlement to cope with the increasing food demands for their households.

My motivation and interest in the topic are from my desire to investigate the processes and challenges that refugee women face in access to and management of land in the host community. This is based on my experience interacting with women in Koboko which is a patriarchal society where land is customarily owned and women rights on land are limited. The study will provide empirical evidence on land access and management practices among refugee women beyond the settlement area. I am committed to provide information to facilitate policy reviews on land allocation for refugees in the host communities. Finally, the findings will play a role in influencing future studies on the impact of land access and management approaches for food security among refugees and host populations.

## **1.5 Organization of Thesis**

The thesis consists of six chapters, Chapter one presents an introduction to the study; why the study is important. The findings could provide valuable information for refugee hosting countries globally.

Chapter Two: provides background information and geographic description of the study area. It presents the history of refugees in Uganda, legal and institutional framework for land management, and finally the location, physical and demographic characteristics, and socio-economics activities of Lobule sub-county that host the refugees in Koboko District.

Chapter Three: Introduces the concepts and theories that guided the study discussions. It also has a discussion on core concepts and theories on Land rights. The chapter specifically looks at the Bundle of rights theory which focuses on access, withdrawal, management, exclusion and alienation rights, the right holders and tenure types. The Land Tenure and property rights (LTPR) framework presents key themes, interventions and cross cutting constraints that are used by natural resource managers in Land

resources programming. Finally, Gender and land rights concept and a summary of the chapter.

Chapter Four: Gives a discussion on the process of undertaking the study as well as providing a justification for engaging with qualitative approach. Herein, I discuss the sampling procedures, the study sites, and the various sources of data including primary and secondary sources. In this chapter, I also elaborate on the data analysis, credibility and reliability of the data collection tools, as well as paying attention to ethical considerations and positionality of the researcher. I end the chapter with a discussion on the limitation of the study.

Chapter Five: Presents findings on land access and management rights among refugee women in Uganda. Herein, I draw insights from the in-depth interviews, focus group discussions, inferences from field observations as well as drawing nuances from photographs taken during the process of data collection. I categorise the findings into; factors that influence land access and use by refugee women; land access and use rights among refugee women; challenges of land access and use among refugee women; benefits of land access and management among refugee women and a summary of the chapter.

Chapter Six: presents, discussion, and conclusions, particularly reflecting on the three research sub-questions, and this include: conditions that influence refugee women's access to land; how refugee women get access and use rights to land; the implications of refugee women's access and management to land beyond the settlement area. These are discussed within context of the discourse, theoretical and conceptual framework provided for in chapter three. Finally, a summary of the chapter is presented.



## **CHAPTER 2: THE STUDY AREA**

### **2.1 Introduction**

The chapter presents background information and geographic description of the study area. In this chapter I present the history of refugees in Uganda, refugee laws and policies, legal and institutional framework for land ownership and management. I have also made efforts to present the geographical location of the area, physical characteristics and demographic characteristics, and livelihood analysis of Lobule sub-county that hosts the refugees in Koboko District.

### **2.2 History of refugees in Uganda**

Uganda's history of hosting refugees goes back to the 1940's. The country has been hosting refugees from neighbouring countries of Democratic Republic of Congo, South Sudan, Rwanda, and Burundi. Uganda's refugee laws are among the most progressive in the world (Taylor et al., 2016). The refugee approaches started with the UN Convention 1951 relating to the Status of Refugees came into force when Uganda was still a British protectorate. Britain acceded to the Convention on behalf of herself and her colonies (including Uganda). Uganda as a state ratified the Convention in 1987 (personal interview with Third Deputy Prime Minister, Hon. Paul Etiang). The presence of refugees in Uganda dates back to the early 1940's with the hosting of Polish refugees at Nyabyeya in Masindi district and Koja in Mukono district. These refugees were later resettled in Britain, Australia, and Canada. However, Uganda's rigorous involvement with refugees and the refugee problem started in 1955 when Uganda hosted approximately 78,000 Southern Sudanese refugees (Pirouet, 1988). In 1959/1960 influxes of Congolese and Rwandese refugees entered the western part of Uganda. Since then, Uganda has played host to thousands of refugees from the non-neighbouring countries and nationals of surrounding countries, such as Rwanda, Congo, Sudan, and Kenya (Mulumba, 2014).

Currently, Uganda hosts 1.5 million refugees of which 52% are female while 48% are male. The West Nile sub-region hosts the highest number of settled refugees and asylum seekers totalling to 56.2% of refugees in Uganda (Mogga, 2017; UNHCR, 2022a). Koboko District has a long history of hosting refugees from the neighbouring countries, and this is because of strategic location bordering two international countries of South

Sudan and Democratic Republic of Congo. These two countries have witnessed chores of civil wars and conflicts. The refugee population is 5,870 people making up 53% females and 47 % males. The refugee settlement has 956 Households of which 67% are women headed and 32% men headed (UNHCR, 2022b). In 2013, for instance the civil conflict in Congo led to an influx of Congolese refugees who are still being hosted in Lobule Refugee settlement in Koboko district.

### **2.3 Refugee policies and laws in Uganda**

Uganda is recognised as having the most progressive refugee policies in the world. In addition to hosting the largest refugees than any other country in Africa (Taylor et al., 2016; UNHCR, 2019). Recent studies emphasize that Uganda's refugee-accommodating capacity has been over-stretched due to continuous influxes of refugees to the country (Betts et al., 2019; Hovil, 2018).

Uganda Refugee Policy, embodied in the Refugees Act 2006, and Refugees Regulations 2010, has many impressive aspects: (1) opening Uganda's door to all asylum seekers irrespective of their nationality or ethnic affiliation, (2) granting refugees relative freedom of movement and the right to seek employment, (3) providing prima facie asylum for refugees of certain nationalities, and (4) giving a piece of land to each refugee family for their own exclusive (agricultural) use. Uganda's Refugee Act of 2006 informs the refugee policies that provide permission to work, trade, and engage in business. Most significantly, it restricts citizenship regardless of how long the refugees have been in exile (Hyndman & Giles, 2017).

Uganda domesticated the CRRF by rolling it out to be implemented by local governments (LG) who host refugees. This was to facilitate easy mechanisms of coping with refugee influx. CRRF has three pillars: Humanitarian Response, the Refugee and Host Population Empowerment (ReHoPE) framework, and the Settlement Transformation Agenda (STA). ReHoPE is a self-reliance and resilience initiative led by the UN and World Bank It is a key building block to deliver on the CRRF in Uganda, given its multi-stakeholder approach spanning the humanitarian development divides (UNHCR, 2017).

Uganda is one of the eight African countries that agreed to implement the Comprehensive Refugee Response Framework (CRRF). Majority of the refugees in

Uganda's are engulfed in what has been referred to as protracted crisis, which means being in exile for five or more years (Carciotto & Ferraro, 2020; Edwards, 2018; Hyndman & Giles, 2017). In seeking durable solutions to protractedness, Uganda signed the 2016 Global Compact on refugees, which seeks to is a framework for more predictable and equitable responsibility sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation (Carciotto & Ferraro, 2020) The CRRF as part of the compact has four strategic objectives predicated on global sustainability (1) Ease pressure on host countries, (2) enhance refugee self-reliance, (3) expand access to third-world solutions, and(4) support conditions in the refugees, countries of origin so they can return with safety and dignity (UNHCR, 2018). Rather than the encampment approach, Uganda had adopted the settlement approach that targeted both self-reliance and integration. Government and international organizations regard settlements as the best places for easy administration and distribution of international aid. In the case of refugee settlements, political and humanitarian factors take major precedent. The establishment of refugee settlements normally has an economic motive (Mulumba, 2014).

Uganda provides a unique context for the investigation of local integration as a durable solution (Pirouet, 1988) and the integration of refugees into Ugandan society has been a common occurrence (Dryden-Peterson & Hovil, 2004). Integration is a condition of stable coexistence within communities, where refugees, and host community members accept socio-ethnic differences, have equitable access to livelihoods and other community resources, and feel safe and secure in their homes (O'Callaghan & Sturge, 2018). UNHCR is supposed to provide basic services such as health care and education. This is compounded by the existing refugee policy, which restricts the movements of refugees. This approach isolates refugees, enhances dependency on UNHCR services and does not therefore encourage integration (Nabuguzi, 1993). The control of land ownership among other things which has tremendous implications on spatiality (O'Callaghan & Sturge, 2018).

Efforts to settle subsistence oriented agricultural populations have often come into conflict with host or in-place land uses as competition for scarce resources leads to land degradation, violence, and the failure of resettlement schemes. The success of refugee resettlement mainly depends on the level to which the host and refugees integrate and reconcile their land use patterns (Unruh, 1993). The success of refugee settlement in

Lobule sub-county is based on previous history that the people from Koboko were hosted in the 1970s in Zaire now Democratic Republic of Congo and they speak the same language “'kakwa” dialect (Betts, 2021). Government and development partners have come to realise that refugees are not a temporary phenomenon. UNHCR introduced a 'Self-Reliance Strategy' (Kaiser, 2006) as an integration model for long-term solutions to the socio-economic needs of refugees and the hosting areas in West Nile in Uganda. The goal of the SRS was to integrate the refugee services to the eight key sectors of assistance into regular government structures and policies. This meant enhancing the local government’s ability to take over the responsibility, monitor and coordinate the implementation of its refugee policy (UNHCR, 1998).

In Uganda, the new arrival is allowed to live freely in surrounding villages as they interact socially, economically, and culturally with the local community. A study conducted by Nambuya et al. (2018) indicates that legal integration in Kiryadongo refugee settlement stalled but socio-economic integration has been a success. A large majority of refugee respondents in Kiryandongo interact with members of the host community and some are involved in joint projects and partnerships, such as businesses, with them (Nambuya et al., 2018). I argue that success of the socio-economic integration in this settlement is relative because some of these business ventures require land as a system of production for certain economic activities to succeed.

Berke and Larsen (2022) investigated the role of planning in establishing Bidi Bidi refugee settlement, the host community’s rationale for allowing refugees to use their land and how refugees used this land. Initially OPM and UNHCR allocated shelter sites adjacent to the 50m-by-50m agricultural plot. However, with the influx of refugees, OPM reduced this plot size to 30m by 30m to accommodate the new arrivals. In a UNHCR report, it was stated 97% of Bidi Bidi households were still receiving food assistance (UNHCR, 2020). In Lobule settlement, the refugee households receive monthly cash for food besides the piece of land allocated by OPM.

Betts et al. (2019) posits a functioning land allocation system can be an effective means to support refugees’ agricultural backgrounds (Betts et al., 2019). However, despite their easy settlement in Koboko, the sub-county local government and refugee settlement area have no approved land use plans as a requirement by the physical planning Act, 2020.

The researcher's work experience in the land sector of Koboko District Local Government, shows there is no approved land use plan for the Lobule refugee settlement which might affect the land use and management practices in Lobule sub-county. However, earlier studies in Uganda do not provide evidence on how effective land use plans for refugee settlements promote sustainable land use practices.

#### **2.4 Legal and Institutional framework for land management in Uganda**

The Constitution of the Republic of Uganda 1995 and the Land Act 1998 (with amendments) are the laws that govern ownership and management of land in Uganda. The Constitution of Uganda, Article 237(1) stipulates that land belongs to the citizens of Uganda. Article 26(1) protects the right to own property (G.O.U, 1995; Land Act, 1998).

In the Uganda Constitution, section (2) Notwithstanding clause (1) of this article (a) the Government or a local government may, subject to article 26 of this Constitution, acquire land in the public interest; and the conditions governing such acquisition shall be as prescribed by Parliament; (b) the Government or a local government as determined by Parliament by law shall hold in trust for the people and protect natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological and touristic purposes for the common good of all citizens; (c) non-citizens may acquire leases in land in accordance with the laws prescribed by Parliament, and the laws so prescribed shall define a non-citizen for the purposes of this paragraph.

The Land Act (1998) was passed to create a system of tenure, ownership, and administration of land. It was also to improve land service delivery by decentralizing land administration. Women activists made sure that key clauses were included in the Land Act to protect women (Okot, 2021). Any transaction on family land, requires the prior written consent of both spouses (Section 39, Land Act 1998). The Act prohibits decisions on customary land that deny women access to, ownership of, or occupation of land. The Act requires that the Uganda Land Commission should have at least one female out of its five members, one third of the membership of the District Land Boards should be female, and land committees at the parish level should have at least one woman out of the four members. In addition, at least one-third of the Communal Land Management Association members must be women. These associations are legal

entities under the Land Act that may be formed by anyone for the purpose of communal land associations (Section 15 Land Act,1998)

#### **2.4.1 Land Tenure systems in Uganda**

Article 237 (3) of the 1995 Constitution of Uganda and Section 2 of the Land Act, the citizens of Uganda hold land under four (4) tenure systems namely Freehold, Mailo, Leasehold and Customary (G.O.U, 1995; Land Act, 1998) Only three tenure types are common in Koboko District, and these include Freehold, Leasehold and customary.

Freehold Tenure is a form of tenure where an individual can purchase from customary landowners and register their rights to get certificate of title. In Uganda, freehold land is what majority of Ugandans own. Leasehold tenure and Customary land tenure can be converted to Freehold tenure through applications made to the District Land Board (Sections 28 and 29 of the Land Act).

Leasehold Tenure is where a person is granted a lease must use the land for the specific purpose as agreed with the landowner (Section 3(5) of the Land Act). Land Act (1998) Section 40 "Acquisition of land by a noncitizen". (1) Subject to article 237(2)(c) of the Constitution, a noncitizen may get a lease in land following this section. (2) A lease of five years or more got by a noncitizen shall be registered following the Registration of Titles Act; (3) A noncitizen shall not be granted a lease exceeding ninety-nine years; (4) Subject to the other provisions of this section, a noncitizen shall not get or hold mailo or freehold land. The section applies to the refugees who are noncitizens and therefore only have rights of leasehold tenure but once they get citizenship, then they enjoy the rights to Freehold tenure.

Customary Tenure is where the land is owned based on the norms and traditions of a given society or community. Section 27 of the Land Act, special protection is given to the rights of women, children, and persons with a disability to own, occupy or use customary land (Land Act, 1998).

#### **2.4.2 Women access to land in Uganda.**

In Uganda, land is the most valuable resource for most people as they depend on it for cultivation and their livelihood. Over 80% of communities in Uganda rely directly on land, agriculture, and fishing for their livelihoods (Failler, Karani & Seide, 2016). Most of the rural community in Uganda is dependent on agriculture and natural resources for

their livelihood. In Koboko District, 90% of the population depend on natural Resources for their livelihoods and 85% depend on agriculture (KDLG, 2021).

Elsewhere in the world, unequal access to land is one of the most important forms of inequality between men and women and this has consequences for women as social and political actors (Agarwal & Bina, 1994). In Africa, gender participation in both farm and nonfarm activities varies depending on the country and culture (Ndiritu et al., 2014). Women contribution to agricultural work varies even more widely, depending on the specific crop and activity (FAO, 2011).

Women provide 70-80 percent of all agricultural labour (FAO, 1984). Women are more vulnerable to poverty than men due to cultural norms and values, the gendered division of assets especially land, and the power dynamics between men and women (Atozou et al., 2017). Closing the gender gap could unlock women's untapped agricultural productive potential (Agholor, 2019). Women have less access to and control over land and their secured land tenure has been linked to important gains in welfare, productivity, equality, and empowerment (GSARS, 2016).

Customary land tenure is the most generic form of land ownership in Koboko District and West Nile sub-region of Uganda. A woman may have bought land with her husband and may have spent her entire adult life cultivating the land, but she cannot claim ownership of the property. If the husband dies, the land generally goes to the sons, but may also be left to daughters. Tripp argues that the wife may still be left with no subsistence (Tripp, 2004).

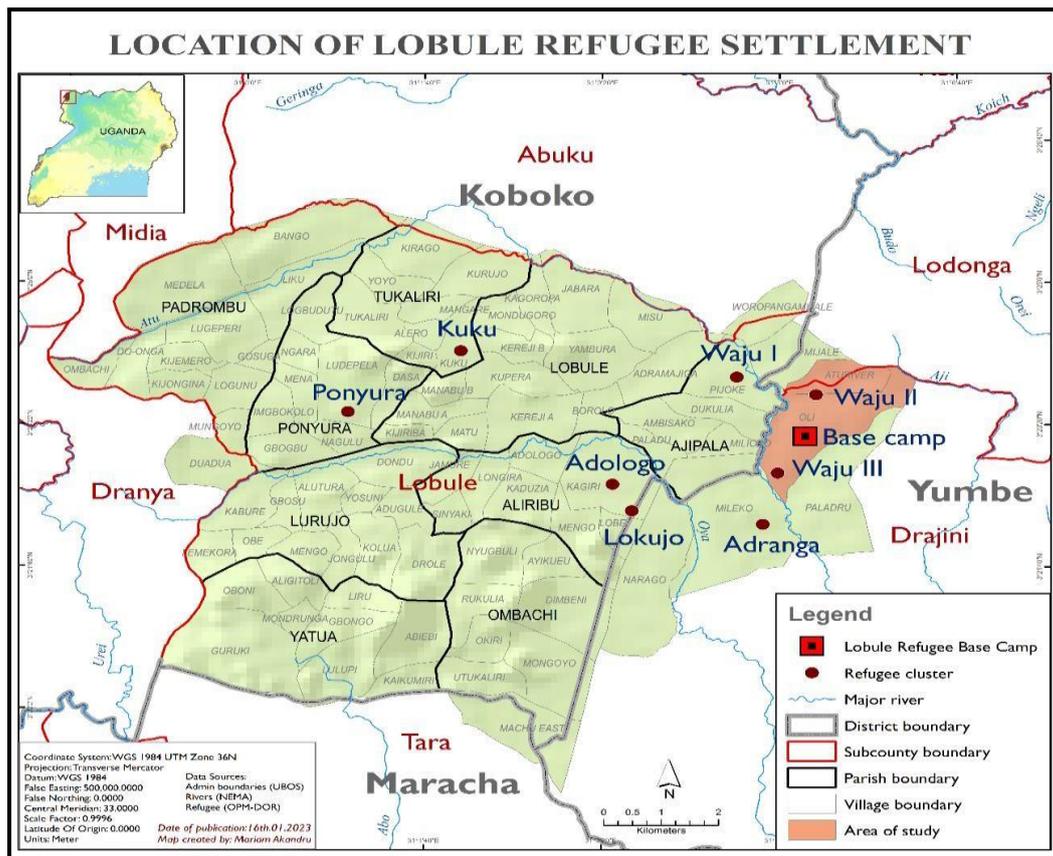
Women are not supposed to inherit land in Kakwa cultural norms and values. However, cases of women inheriting family land given to them by their father are still met with opposition from the men in the family, some of whom may be their brothers. Women are often dependent on men to gain access to land, yet their access to land for food production is critical to the overall welfare of the household. This information is based on the researcher's personal experience working with the land sector in Koboko District. The researcher engages with members of the community such as cultural leaders, landowners, and farmers during community sensitizations on land issues. The report from the sensitisations explain that women face challenges to access land due to the cultural norms on customary land. This implies that refugee women are likely to

encounter similar challenges in the host community as they try to access land beyond the settlement.

## **2.5 Location of study area**

Koboko District is situated at North-western part of Uganda at the point where three countries i.e., Uganda, Democratic Republic of Congo and South Sudan meet, this point where the three countries meet is called “*Salia Musala*” which means the “*the three cooking stones*” in the Kakwa language. The district is 574 kilometres away from Kampala capital city, only 3kms from DRC boarder and 16kms from that of South Sudan. The Koboko district has a total land area of 820.8 km<sup>2</sup>. It is 1,285 m (4,216 ft.) on average above sea level. Lobule Sub-County has a total land area of 86.43 km<sup>2</sup> and is in the Eastern part of the District Headquarters. Its location lies on grid reference of N0323411, E03101463 and the elevation is 3567 feet above sea level.

Lobule sub-county has nine parishes and eighty-four villages (KDLG, 2021). Lobule subcounty, which has hosted refugees since 2013. Lobule Refugee settlement has Eight (8) villages: Zone A: Waju I, Waju II, Waju III, Adranga and Zone B: Lokujo, Adologo, Kuku, Ponyura (UNHCR, 2022b). The map below shows Lobule refugee settlement, and the study was conducted in Zone A specifically in Waju II and Waju III clusters.



**Figure 1:** Map of Lobule refugee settlement with study area indicated in brown. Data sources adapted from UBOS, NEMA, OPM (2022).

### 2.5.1 Demography

Koboko District has a total population of 258,000 people of which 128,800 (males) and 129,200 (Females), annual population growth rate of 3.9%. Koboko District has average household size of 6.8 persons with a fertility rate of 6.8 children per a woman. The Lobule sub-county has a population of 40,218 people among which Male 49.5% and Female 50.4% (UBOS, 2020). The refugee population is 5,870 people making up 53% females and 47 % males. The refugee settlement has 956 Households of which 67% are female headed and 32% male headed (UNHCR, 2022b).

### 2.5.2 Physical and climatic features

The soil cover of the sub county is of loam, sand with some sedimentary rocks derived from granite which occur from adulating hilly topography. Meanwhile, there are other rocky areas near the hills, due to the fertility of the soils that has enabled the growth of

towering trees particularly mahogany trees in river valleys as well as growth of the cash and food crops (KDLG, 2021).

The Sub- County vegetation is purely tropical grassland (savannah), and these are both natural and artificial thus composed of the vegetation cover besides the planted forests like Adranga forests. The natural forest that existed in Kobo, Mt Liru and Kadi is getting extinct due to rampant tobacco growing. Besides, bush burning is a big threat to the natural vegetation cover in the sub-county. The Sub- County has two (2) seasons of dry and rain and receives rainfall between 1600mm – 1950mm per annum with maximum rainfall in March to November with peaks in July–August and Short dry month of June with maximum temperature that ranges between 27.5c – 30c (KDLG, 2021). The available data indicates the two seasons as consistent. Evidence shows that the changing weather patterns indirectly affects crop yields among the refugee community.

### 2.5.3 Livelihood Analysis of Lobule sub-county

The livelihood of people in the district is dependent on agriculture which employs over 80% of the total population and a sizeable number of the population is engaged in various businesses, notably general merchandise, transport services, petty trade, and agri-business as shown below (KDLG, 2021).

**Table 1: Refugee livelihoods in Lobule Sub- County.**

Category	Means of Livelihood	Challenges
<b>Female headed household</b>	Subsistence Farming; petty businesses/ tea selling; small scale businesses such as selling food stuffs, clothes,	Poverty, have no assets, <i>no land</i> , no skills, functional education, no income, poor housing, malnutrition
<b>Returnees and refugees</b>	Subsistence Farming; petty businesses/ tea selling; Odd jobs	Stress; poverty; have no assets; <i>no land</i> ; no income; no skills; malnutrition,

**Source:** Modified from Koboko District Development Plan 2020/2021-2021/2025

From the above Table 1, the female headed household and refugees are engaged in a number of activities to sustain their household incomes. They are faced with several challenges are, but emphasis is on no land to support their livelihoods. Refugee women in lobule refugee settlement are dependent on subsistence farming to support their households as well as the host community. Agriculture in Lobule sub-county is on small

scale with use of simple tools like panga, ordinary hoe, axe, and harrowing sticks. However, tractor hire services are being used coupled with the ox-traction though at a slow pace. Households engaged in agriculture grow both food and cash crops. The main cash crop is tobacco, and some farmers are engaged in cocoa production. The food crops grown include beans, cassava, ground nuts, sorghum, rice, onions, maize, simsim and finger millet. However, some the food crops are being grown for commercial purposes to supplement household income (KDLG, 2021).

Majority of the female youths participate in tea selling at the market centres. Women are also engaged in petty trade such as selling of agricultural produce in the small markets and trading centres. However, some people receive help from small revolving loans through ‘sanduku’ and SACCO. Meanwhile, persons with disabilities depend on Small-scale farming, Shoe, and bicycle repair, tailoring, sale of milk and Government support through special grant schemes (KDLG, 2021).

## **2.6 Chapter summary**

The chapter presented the history of refugees in Uganda which dates back to the 1940’s to date where Uganda hosts the largest number of refugees in the Global south. In this chapter, discussions on Refugee policies and laws, legal institutional and frameworks for land ownership and management in Uganda, women access to land in Uganda were presented. Finally, a description of the study area which included the geographic location, demographic characteristics, physical and climatic features, and a livelihood analysis of Lobule sub-county.



## **CHAPTER 3: CONCEPTS AND THEORIES OF THE STUDY**

### **3.1 Introduction**

This chapter presents a discussion on concepts and theories that inform data collection and analysis. The Bundle of rights theory and the Land Tenure and Property Rights (LTPR) framework. And a discussion is made on the link between gender and land rights.

### **3.2 The Bundles of Rights Theory**

Schlager and Ostrom (1992b) developed the “bundle-of-rights”. In this theory he uses terms *rights* and *rules* interchangeably to refer to use of natural resources. *Rights* refer to specific actions, that are authorized (Ostrom, 1976; Schlager & Ostrom, 1992b). *Rules* refer to consented to and enforceable recommendations that require, forbid, or permit specific actions for more than a single individual. A property right means the authority to undertake particular actions related to a specific domain (Commons, 1968; Ostrom, 1986). Every right an individual holds, there exist rules that authorize or require actions in exercising that property right. Therefore, rules specify both rights and duties. Operational level rules constrain and predict operational activities regardless of the source of the rules. Operational rules are altered by collective-choice action. Collective choice level means to participate in the definition of future rights by resources owners and proprietors. Collective Choice property rights include management rights, exclusion rights and alienation rights (Ostrom, 2002; Schlager & Ostrom, 1992b).

The difference between operational level rights and collective choice rights is the difference between “exercising a right and participating in the definition of future rights to be exercised” (Schlager & Ostrom, 1992b, p. 251) which means holders of collective choice rights determine operational rules. The authority to devise future operational-level rights makes collective-choice rights powerful. (Schlager & Ostrom, 1992b). Individuals who have access and withdrawal rights may or may not have more extensive rights authorizing participation in collective-choice actions. The five property regimes

are independent of one another but frequently held in a cumulative manner (Ostrom, 2002; Schlager & Ostrom, 1992b).

Bundle of Rights	Property Rights Holders			
	Owner	Proprietor	Claimant	Authorized user
Access	X	X	X	X
Withdrawal	X	X	X	X
Management	X	X	X	
Exclusion	X	X		
Alienation	X			

**Figure 2:** Shows the Bundle of rights theory associated with positions adapted from (Schlager & Ostrom, 1992b, p. 252).

### 3.2.1 Tenure Rights

#### **Access rights.**

Access to land refers to physical availability to land and authority to make decisions for use or enjoyment of rights (Chigbu, 2019; Schlager & Ostrom, 1992b). Ribot and Peluso (2003) focus on the issue of resources access, or the ability to use a given resources. The land tenure system governs three major rights of access to land, the right to use, control and transfer land are governed by land tenure (Chigbu et al., 2017).

#### **Withdrawal rights.**

The right to obtain the “products” from the land. Individuals who have access and withdrawal rights may or may not have more extensive rights authorizing participation in collective-choice actions (Schlager & Ostrom, 1992b). Dade et al. (2022) argue the role of land tenure in access to natural resources. Property rights play a powerful role in mediating the amount of ecosystem services that are allowed to be obtained from natural resources (Ban et al., 2015; Dade et al., 2022).

**Management rights** means to regulate internal use patterns and transform the resource by making improvements e.g., planting and harvesting crops. Individuals who hold

rights to management have the authority to determine how, and when harvesting from a resource may occur, and whether and how the structure of a resources may be changed (Schlager & Ostrom, 1992b).

**Exclusions rights:** the right to refuse others access to and use of a resource. This is a collective choice right authorizing its holders to devise operational-level rights of access. Individuals who hold rights of exclusion have the authority to define the qualifications that individuals must meet in order to access a resource (Schlager & Ostrom, 1992b).

Communal or individual property, the resource is held by an identifiable community of users or a landowner who can exclude others and regulate use (Berkes, 1989). If a key condition for resource management is exclusion (Bromley 1992; Ostrom 1992), there is need to pay more attention to those excluded usually the poor or displaced people. The need to move on from the open access-community managed polarity and think in terms of the complexity of rural systems, where many resources do not fall into either category but depend on a system of class relations and negotiation and conflict between classes (Beck, 1998).

Nightingale argues, commoning requires normative choices about which humans, nonhumans, and socio-natural relations need attention, although such attention will always be partial. It is not possible to control and direct all the outcomes of commoning. For this reason, feminist political ecology critique of commoning pushes diverse economies scholars and activists to focus on doing commoning, becoming in common, rather than seeking to cement property rights, relations of sharing and collective practices as the backbone of durable commoning efforts (Nightingale, 2019).

**Alienation rights** means that an individual sells or leases the rights of management, exclusion, or both (Schlager & Ostrom, 1992a). Larson and Bromley (1990) challenge this commonly held view and argue that much more needs to be known about the specific values of a large number of parameters in a particular setting before analysts can make careful judgements whether the right of alienation leads to higher levels of efficiency than the right to bequeath (Larson & Bromley, 1990).

### 3.2.2 Property rights holders

**Authorized users** are individuals holding operational rights of access and withdrawal. If specified in operational rules, access and withdrawal rights can be transferred to others. This can either temporarily in a lease arrangement, or permanently when these rights are assigned or sold to others. Transfer of these rights, however, is not equivalent to alienation of management and exclusion rights. Their rights are defined by others who hold collective-choice rights of management and exclusion (Schlager & Ostrom, 1992b).

**Claimants** are individuals who have the same rights as authorized users plus the collective choice right of management. They have the collective-choice authority to devise operational-level rights of withdrawal. They cannot, however, specify who may or may not have access to resources, nor can they alienate their right of management (Schlager & Ostrom, 1992b). Alchian and Demsetz (1973) argue the ambiguity in the notion of state or private ownership of a resource occurs because the bundle of property rights associated with a resource is divisible (Alchian & Demsetz, 1973). If the claimants are relatively homogenous, commons arrangements work well in allocating resources and arbitrating disputes (Ostrom, 1990). The ability to create and sustain commons arrangements depends a great deal on the homogeneity of the claimants. When successful, these arrangements lead to greater rents, which attract even more competition, so a point may be reached where informal arrangements give way to more explicit commons arrangements with members of the commons developing better monitoring and enforcement capabilities (Alston et al., 2009).

**Proprietors** are defined as individuals who have collective-choice rights to take part in management and exclusion. Proprietors authorize who may access resources and how resources may be used, however, they do not have the right to alienate either of these collective choice rights (Schlager & Ostrom, 1992b).

**Owners** are individuals who have collective choice rights of management and exclusions as well as the right of alienation that is they can sell or lease their collective-choice rights (Schlager & Ostrom, 1992b).

### 3.2.3 Formal and informal institutions

Government institutions enforce the rights to access, withdrawal, management, exclusion, and alienation as well as grant such rights to resources users. “*De jure rights*” are the lawful recognition by formal, legal instrumentalities while “*De facto rights*” are property rights that originate from resource users who cooperate to define and enforce rights among themselves. But are not recognized by government authorities (Schlager & Ostrom, 1992b).

Users of a resource who have developed de facto rights function as if they have de jure rights by enforcing these rights among themselves. In some settings de facto rights may eventually be given recognition in courts of law if challenged, but until so recognized they are less secure than de jure rights (Schlager & Ostrom, 1992b).

De facto tenure security is based on the actual control of lands, regardless of legal status (Van Gelder, 2010) and related to the length of time occupied, community organisation management, political recognition, policies, and measures of tenure (Durand-Lasserve, 2006; Durand-Lasserve & Royston, 2002; Payne, 2001).

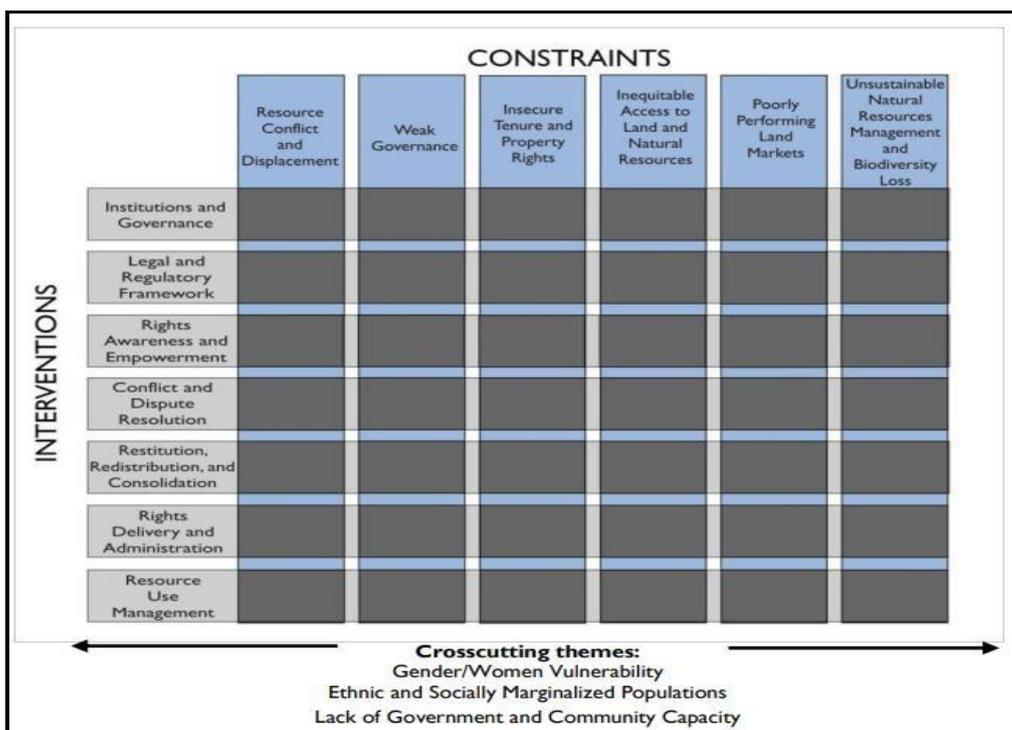
The framework is a basis for understanding access, use and management rights of land among refugees in Lobule refugee settlement. The framework aids the disentanglement of a given property rights regime, thus allowing for detailed examination of both the resource and the users of that resource (Hayes, 2007). By arranging rights in a nested and cumulative manner, it's possible to dissect property rights regimes to determine the bundles held by a given individual, to score those relative to a complete bundle, and to investigate the implications for any absences or changes over time (Larson et al., 2010).

These rights have a cumulative nature which gives a way to understand the heterogeneity in land rights between individuals and communities of the resource users, allowing for differences by socio-economic status, ethnicity, gender, among others (Ostrom and Schlager, 1996). However, despite its strengths some have argued that the framework is an insufficient or inappropriate lens through which to view property rights and natural resources management issues (Bergström, 2005; Penner, 1995; Smith, 2011). The bundles defined therein may not adequately capture the range of rights and resources conditions of relevance to contemporary natural resources management (Galik & Jagger, 2015).

### 3.3 Land tenure and property rights Framework (LTPR)

United States Agency for International Development (USAID) as early as 2004, felt the need for a conceptual framework that would help USAID and contractors identify and assess land tenure and property rights issues or constraints and “toolboxes” of intervention to address the concerns (USAID, 2013a). *Property rights* refers to the rights that individuals, communities, families, and other community structures hold in land, and other natural resources. Property rights range from private or semi-private to leasehold, community, group, shareholder, or other types of corporate rights (USAID, 2012). Tenure security refers to the dimensions of *robustness, duration, and assurance* in a property (Meinzen-Dick et al., 2019; Place et al., 1994).

USAID developed the LTPR framework (Figure 3 below). The framework is relayed in form of matrices and all the matrices are visualised in form of themes, constraints, and interventions. I have used the Land Tenure and Property Rights Matrix-Women, Land and Resources Overlay (USAID, 2013a) as illustrated in the figure below. In the overlay below, I have put much emphasis on the theme of gender/women vulnerability. I engage with the constraints of resource conflicts and displacement, insecure tenure and property rights, and unstable natural resource management and biodiversity loss. On the intervention I have put emphasis on institutions and governance, legal and regulatory frameworks, rights awareness and empowerment, conflict and dispute resolution, restitution, redistribution, and consolidation, rights delivery and administration, and resource use management.



**Figure 3:** Shows the Land Tenure and Property Rights Matrix-Women, Land and Resources Overlay; (USAID, 2013b)

Property rights to resources such as land, water and trees play a fundamental role in governing the patterns of natural resources management as well as the welfare of individuals, households, and communities who depend on the resources. Policies that shape property rights can play a major role in promoting or inhibiting economic growth, equity of distribution, and sustainability of the resources base (Meinzen-Dick et al., 1997). Property laws and family laws are the two most important sets of legal frameworks influencing women's land rights (Hallward-Driemeier & Hasan, 2012). They both derive from statutory, customary, and religious law and may determine outcomes of issues regarding land rights depending on the context and particular issue (Doss & MeinzenDick, 2020)

Studies show that having formal land tenure can improve women empowerment (Mishra & Sam, 2016; Wiig, 2013). The empirical evidence show that a formal certificate is a prerequisite for realizing land legal tenure security, that is a key factor in raising women's bargaining power in rural household decision making and promoting their empowerment (Agarwal, 1994). A previous study indicates that policies enhancing land tenure security have the potential to increase women's empowerment and associated beneficial welfare effects on the development of women's rights, family, the rural economy, and also contributes to narrowing the gender opportunity gap within households (Han et al., 2019).

### **3.4 The link between Gender and land rights**

From the precolonial period states according to Knowles, women were valued not only for their own labour, but also in reproduction of children. And Moser, argues that women in low-income countries undertake a "triple role" in society, that is reproductive, productive and community roles (Moser, 1989). These roles were firmly fixed in traditional systems, based on dense networks of many responsibilities and few entitlements (Knowles, 1991), that seek to protect them (Busingye, 2002; Hunt, 2004). These roles of women in society are linked to patriarchal restructuring of society within which, women's land access rights become hindered by patriarchal orientations and practices thereby limiting their access to land and natural resources (Mcpeak & Little,

2019; Ondetti, 2016). Through these discussions as noted by Knowles, (1991), women are conditioned to beg for land from a male relative or acquaintance (Knowles, 1991).

Land is a primary source of livelihood in all Sub-Saharan Africa (SSA) communities, women's right to land access is a factor in social capital, independence of cultural identity, and participation in local decision-making (Chigbu, 2019). Pankhurst and Jacobs argue that improving women's access to land without addressing broader gender inequalities will have only limited utility in improving their overall status (Pankhurst & Jacobs, 2019). Land rights are only secure if they are not contested without reason and if, in case of contestation, they can be confirmed by public authorities, whether these be customary, government, or both. (Lund et al., 2006; UN-HABITAT, 2008).

In the literature examining Natural Resources Management and long-term investment, there is evidence that stronger Women Land Rights (Meinzen-Dick et al., 2019) encourages investment. Earlier studies conducted on how women's land rights are related to poverty reduction, drawing on a conceptual framework developed through the Gender, Agriculture and Assets Project (GAAP), and trace linkages to natural resources management, improved resilience and empowerment and outcomes such as food security (Meinzen-Dick et al., 2019). Sunderland et al. (2014) argues there are gendered roles in forest use, men also play a much more important and diverse role in the contribution of forest products to rural livelihoods than previously reported, with strong differences across tropical Asia, Africa, and Latin America.

Gendered relations and responsibilities with respect to natural resources are also dynamic and subject to change (Shackleton & Shackleton, 2000). Women's access is often limited to household and personal use for crops through a male family member. Women's landholdings are typically smaller than men. Access to land largely depends upon; Formal legislation; Custom and religion; Intra-household power relations and status; and Economy and education (FAO., 2002). The sex-disaggregated data on land ownership is still limited, but in Sub-Saharan Africa and Asia, nationally representative data show that women own substantially less land (Doss et al., 2015; Kieran et al., 2015). However, it should not be assumed that joint ownership necessarily provides equal rights over the land; men often have more rights over the land than their wives (Doss et al., 2015; Jacobs & Kes, 2015). When other measures of land rights are used,

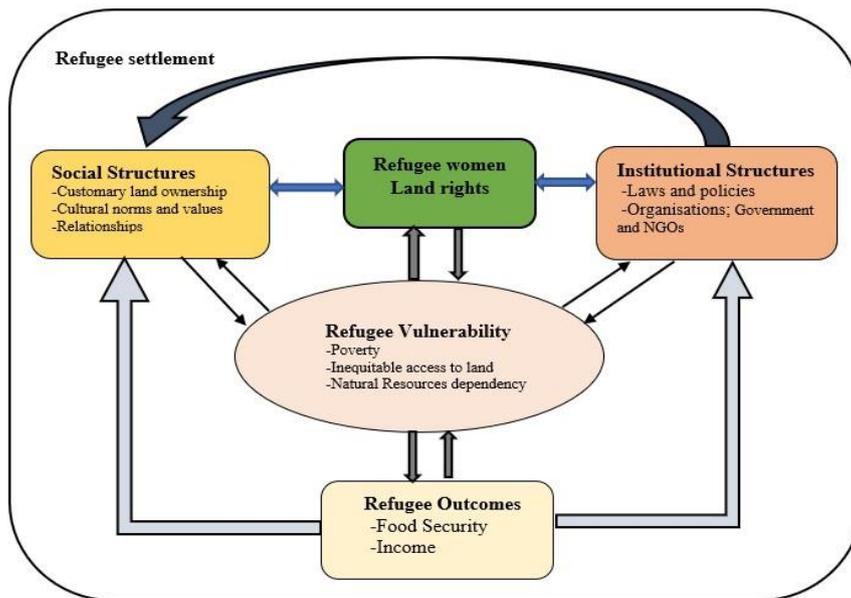
similar patterns are seen, such as management, or control over output (Slavchevska et al., 2016).

According to Krause (2014), women traditionally have fewer rights in patriarchal and male-dominated societies, though the author attests that forced displacement can break ascribed gender roles and relations because these relations are constantly deconstructed, renegotiated, and redefined while the refugees are in the settlement (Krause, 2014). For instance, Hannay (2014) as cited in Okot (2021) argues that in Africa women's land rights are still a highly contentious issue and for Uganda it's a common apprehension that customary laws obstruct women land rights.

### **3.5 Land Rights for Refugee Women (LRRW) Conceptual Framework**

The conceptual framework that I have developed builds on Ostrom's theory and the LTPR framework. I have put emphasis on assessing social and institutional structures that affect land access and management rights among refugee women. The modified framework is termed *Land Rights for Refugee Women* (Figure 5). For the purpose of this research the alienation and exclusion rights were not given much attention, since the interest was on how refugee women get land and manage it to improve on household food security. However, alienation and exclusion rights were discussed in relation to management of land accessed by the refugees.

The framework contextualises *social structures* to include customary land ownership, cultural norms, and values; *Institutional structures* are considered as laws and policies on land ownership and management, and Organizations to include central government, local government and Non-Governmental Organisations; *Refugee women's land rights* to include access, use and management rights; *Refugee vulnerability* herein refers to poverty, inequitable access to land, dependency on natural resources, and *Refugee outcomes* are considered as to include increased food security and income from sale of produce.



**Figure 4:** Shows the Conceptual Framework on land rights for refugee women, Akandru (2023) adapted the Bundle of rights theory (Schlager & Ostrom, 1992b, p. 252) and Land Tenure and property Rights Framework (USAID, 2013b, p. 1)

### 3.5.1 Refugee Vulnerability

The conceptual framework considers refugee women's vulnerability in the context of land access. Conflicts have a debilitating effect on refugee women's access to land. This is because conflicts disrupt established land tenure systems as well as increasing and engendering land rights. Women's vulnerability in context of land access is seen when prevailing legal, institutional, religious, and/or customary systems do not accord women the same rights as men, and women derive access primarily through men (USAID, 2013b).

Vulnerability is a complex and multifaceted concept, often used to describe whole populations or situations. Feminist theories have had ideas about how embody women's vulnerability especially relative to other marginalised groups without reinforcing gender stereotypes and victimisation (Butler, 2003, 2016; Ferrarese, 2016; Fineman, 2008. Gilson, 2016). In Butler's political philosophy, the idea of universal vulnerability or 'our shared precariousness' is celebrated as a condition that makes us take stock of our interdependence while it is posited against precarity, a politically induced condition which certain populations suffer from failing economic and social networks (Butler, 2016). In considering the extent of refugee vulnerability, its crucial to consider questions on what they are vulnerable too and political intentionality, since

vulnerabilities maybe experienced as a direct result of policies and practices surrounding the government of mobility (Papada, 2021). In Uganda, the CRRF policy and Refugee law provide for allocation of a piece of land for the refugees to settle and derive their livelihoods. However, from the interviews conducted, the land is small making them vulnerable to hunger, as well as with great implications on food insecurity. Power relations emerge between landowners and refugee women as they socially interact during their search for farming land.

Majority of the refugees in Lobule refugee settlement do not have a stable source of income due to poverty, depend on the monthly cash allocation and casual paid labour. They engage in farming such that part of the harvest is sold to buy basic household needs. The refugee population in Uganda lives in precarious conditions, and their demographic characteristics make them particularly vulnerable. About 48% of the refugee population are living in poverty, compared to 17% for the hosts. Poverty among refugees is highest in the West Nile region where close to 60% of refugees are poor and around 30% of hosts are poor (World Bank, 2019.) The United Nations Sustainable Development Goals call for a global effort to “end poverty in all its forms everywhere” (UN, 2021a). On average, each person living in extreme poverty lived on 30 percent less income per day than the international poverty line (Ibid.). The numbers represent lives lived in great hardship, and at the start of the pandemic these numbers were well above where they had to be to eradicate the scourge of extreme poverty by 2030 (Bank, 2022). In Uganda there was a prediction of an increase in national poverty of 2.6 percentage points due to higher global food prices in 2008 (Simler, 2010).

Refugees and host communities are entirely dependent on natural resources to meet their basic needs for cooking energy, materials for shelter and agricultural land (Kreibaum, 2016). In order to survive hunger and poverty, they go out of the refugee settlement to look for land from the host community to supplement the food ratio. The terms of hiring the land for farming by refugee women are made by the customary landowners, the local government have no influence on how much they charge for a piece of land. This eventually creates uncertainty, moreover, sometimes the terms of renting land are compromised and not honoured. The refugee women are vulnerable

since they cannot defend their access, withdrawal, and management rights over the land for fear of not being given land again by the landowners.

### **3.5.2 Refugee women land Rights**

Land rights among refugee women in Lobule refugee settlement are limited to access, use and management. The ecosystem services obtained from a parcel of land are determined by the biophysical conditions and the landowner(s) actions and choices that are constrained by property rights (Demsetz, 2000; Lant et al., 2008). The collection of rights that define who is authorised to undertake particular actions in relation to managing a resource, that include duties to preserve and protect it (Schlager & Ostrom, 1992a). Property rights can define which crop should be planted on the land hired or the land parcels from which non-forest products can be harvested (Cameron et al., 2014; Robinson et al., 2013). The impact of property rights on natural resources management is well studied, and a plethora of studies have assessed how natural resource management is regulated by property rights (Bromley, 1991; Martinez-Harms et al., 2015; Ostrom, 1990).

In places where property rights are more insecure, or governance is weaker, changes in the status quo may lead to conflicts that undermine efforts to change the distribution of services among different actors (Costello & Grainger, 2018; Robinson et al., 2018). Displacement due to social and ethnic conflicts in Democratic Republic in Congo in 2013 led to the settlement of Congolese refugees in Uganda. Pejorative misnomers about refugee impacts have the potential to fuel conflict between refugees and hosts (Martin, 2005).

Women may frequently possess *de facto*, or land use rights compared to men's *de jure* rights, women's access rights are often mediated by their relationships with men, such as through marriage, divorce, or widowhood (Hecht, 2007; Mwangi et al., 2011). The refugee women have access to land and not the right to access land because they are only allowed to rent the land by the landowner who holds the right. This is because her access can be withheld at the whim of someone else. Which does not make it a right but a 'tolerated use' (Meinzen-Dick & Pradhan, 2002).

### 3.5.3 Institutional structure

Institutions defines the rules and norms that mediate how humans interact with the environment. They also provide a key link between the social group and its resource base (Ostrom, 1990). Policies that shape property rights can play a major role in promoting or inhibiting economic growth, equity of distribution, and sustainability of the resources base (Meinzen-Dick et al., 1997). Studies have explored how land reforms affect already marginalized secondary land rights holders (Zuka, 2019). Consequently, public authorities have tried to reform land tenure systems and practices in order to eliminate threats to tenure insecurity (Kalabamu, 2019).

Uganda has land laws, regulations and policies that regulate access, use, management, alienation, and exclusion rights. These include the following: The Constitution of the Republic of Uganda ,1995; Chapter Fifteen on Land and Environment. Article 237 on Land ownership stipulates the land tenure systems in Uganda. The Land Act,1998 provides guidance on institutional framework for land administration and management. The physical Planning Act, 2020 provides for land use planning within the country. The National Environment Act (2019) Section 5 (b) provides for equitable, gender responsive and sustainable use of the environment and natural resources, including cultural and natural heritage, for the benefit of both present and future generations (NEMA, 2019a). Refugee Act, 2006 section 29. Rights of refugees while in Uganda (1) A recognised refugee shall, subject to this Act, the OAU Convention and the Geneva Convention— (iv) the right to engage in agriculture, industry, handicrafts, and commerce and establish commercial and industrial companies in accordance with the applicable laws and regulations in force in Uganda (Refugee Act, 2006).

Tenure security implies the rights individuals and groups have for effective protection by the state against forced eviction (Quan & Payne, 2008). Land tenure is a composite of rules and socio-economic relations between people and land (Moyo, 2003; ObengOdoom, 2012). The extent to which rights are formally documented and legally recognized will affect tenure security for people differently. In places where there is limited formal documentation of rights, other forms of documentation or oral testimony may be accepted as proof of land rights (Jacoby & Minten, 2007; Unruh, 2002). Weak governance and other interlinked factors like overlapping laws, lack of formal documentation in customary land rights are extremely insecure and major cause of disputes, litigations, and violent conflicts (Kalabamu, 2019). The organizations in the

Lobule refugee settlement like OPM, district and sub-county local governments, the implementing partners including International and Local NGOs play a role in facilitating land rights governance among the refugee women. Formal and informal conflict mediation and dispute resolution strategies and mechanisms aimed at mediating conflict, resolving disputes, dispelling, or averting violence, providing effective legal recourse, and enabling compensation in the event of resettlement and public takings could be localized in promoting peaceful coexistence in the refugee-host community while sharing the natural resources (USAID, 2013a).

Though the issues discussed in the modified conceptual framework have been defined and applied independently, they are interconnected and have influences on each other. For example, involvement of government and NGOs in sensitisations on livelihood programmes in the settlement influences land access from the customary landowners. These organizations can act as a bridge between or barrier to sustainable land use and management in the settlement. Alternatively access to land can influence food security among refugees' households, since it supplements on the land allocated by Government of Uganda.

#### **3.5.4 Social Structure**

Social structure is defined by the content, quality, and patterning of social relationships emerging from repeated interactions between pairs of individuals that make up any social system (Kappeler, 2019; Scott, 2006). Over 75% of all land in Uganda is customarily owned and is not covered by formal documentation (Busingye, 2002). Customary Land Tenure is based on the norms, values and traditions of a given society or community. An individual can own land under customary tenure if it has been handed down from generation to generation using the society's customs or inherited from the family. Special protection is given to the rights of women, children, and persons with a disability to own, occupy or use customary land. (Section 27 of the Land Act), for detail refer to previous discussions on land tenure in Uganda.

The Lobule refugee settlement in Koboko District is set up on customary land that is governed by the norms and customs of the community headed by Clan leaders. Lobule refugee settlement was neither sold nor leased by the customary owners to the state in this case Office of the Prime minister (OPM) who are in charge of refugee management in Uganda. However, the land hired by refugee women for farming is individual

customary land. The alienation rights are stipulated in the Uganda Land Act 1998 (with amendments). The customary landowners have alienation rights which grant them authority to sell or lease or both depending on their need. Refugees do not have any alienation rights over the land they hire from the customary landowners but through their interactions they are able to access land for farming. The Land Act (1998) Section 40, (4) subject to the other provisions of this section, a noncitizen shall not acquire or hold mailo or freehold land. The section applies to the refugees who are noncitizens and therefore only have rights of leasehold tenure but once they acquire citizenship, then they enjoy the rights to Freehold tenure.

### **3.5.5 Refugee Outcomes.**

An outcome is a finite and often measurable change (Harding, 2014). The concept of outcome directs attention specifically to the person's well-being; it emphasizes individuals over groups, and the interests of unique persons over those of society (Lohr, 1988). These outcomes can be both positive and negative.

Refugee outcomes in this research refers to the measurable change as a result of hiring land for farming from customary landowners. Food security, and income are the positive outcomes and negative is the encroachment on fragile ecosystems. The UN Food and Agricultural Organisation (FAO (2001) define food security as a situation that exists when people have at all times physical, social, and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for a productive and healthy life (FAO, 2001). Food security is a complex issue and must consider gender, policies, social and cultural contexts that refugees face (Nisbet et al., 2022). There are several causes of food insecurity. Societies negatively affect the food security of people in refugee settlements by limiting their access to land resources and restricting cultural food gathering practices (Gingell et al., 2022). This eventually impacts on food security for the refugee households. Food insecurity is experienced by both refugees and host communities but is higher among refugees. The report indicates that 7 out of 10 refugee households compared to 5 out of 10 host households are food insecure. Food insecurity is also greater among established refugees (in Uganda for many years and hence getting less food aid) than among recent arrivals (World Bank, 2019., p. 40)

An approach adopted by the government of Uganda is to promote strategies and approaches of self-reliance. Refugees are given land as a way for self-reliance to improve their livelihood, however the extent of the impacts of these land allocations need to be examined. Income from farming on the hired pieces of land by the refugees enable them to meet other household needs. Higher food prices can be a source of income growth for households producing food on their own farms. For poor households working in agriculture as wage labour, wages can also adjust to the situation (Headey 2018). As a result, analyses and poverty assessments have found higher food prices to be a driver of poverty reduction in the long run (Bank, 2022). Mahler et al. (2022) based on their analysis reveals that people living in extreme poverty spend about two-thirds of their resources on food (Mahler et al., 2022).

Encroachment on fragile ecosystems due to scarcity of land. Some refugee women have been given unproductive land to dig while others are given land in fragile ecosystems like near River Atu, in Lobule Sub-County. This is because Customary tenure only recognises the rights of the individual to have and use land subject to superintendency by his family, clan, or community. The disadvantage of the tenure is that it does not encourage record keeping, often making it difficult to resolve land use disputes. Environmentally the main disadvantage is that it generates little personal interest in the status of land resources (tragedy of the commons) leading to mismanagement and degradation (NEMA, 2019a).

### **3.6 Chapter Summary**

In this chapter the concepts of refugee vulnerability, refugee women land rights, institutional and social structures, refugee outcomes were discussed to present the need for a focus on the land rights among displaced populations. Property rights and Tenure security were defined within the Land Tenure and property Rights framework. The factors that influence land access and management among refugee women were reviewed. The chapter also reviewed Ostrom's theory and the LTPR framework to show the relationship between the factors in tenure rights, rights holders, and tenure types. Findings from interviews, focus groups and observations are organised by the theoretical and conceptual frameworks on Land rights in Chapter 5. However, the next chapter 4 presents the research methodology and process.

## **CHAPTER 4: RESEARCH METHODOLOGY AND PROCESS**

### **4.1 Introduction**

The Chapter presents the justification for the qualitative study and how the research process. It presents sampling techniques and study sites as well data sources used for the study. It also elaborates on the data analysis, credibility and reliability of the data collection tools, ethical considerations and positionality of the researcher. Finally, this chapter presents the limitations of the study.

### **4.2 Philosophical assumptions of the study**

Ontology are beliefs about the world. It means understanding about the kinds of things that exist in the universe and the relations between them (Hay & Cope, 2021). Galbin argues that, social constructivism involves challenging most of our common-sense knowledge of ourselves and the world we live in (Galbin, 2014). The ontological assumption underlying the study is that the community in Lobule sub-county have their way and thoughts on how customary land is owned, used, and managed even without the presence of the refugees. Therefore, the beliefs or reality about land access and management rights can best be understood from the perspective of the host community.

Epistemology is a critical assessment of how knowledge is produced, by whom, and for what purposes. It is summed by the question: “How do we know what we know” (Hay & Cope, 2021). Individuals develop subjective meanings of their experiences-meanings directed towards certain things and objects (Creswell, 2007). Based on the epistemological assumption, the refugee women construct their own meanings and experiences as they interact with the landowners and host community to access, use, and manage land.

### **4.3 Justification of methodology**

Qualitative research in human geography is typically concerned with understanding social-spatial processes and people's everyday lives in past or present contexts (Hay & Cope, 2021). Creswell, emphasized that the goals in qualitative studies are depth and detail, not generalization (Creswell & Poth, 2016). I choose a qualitative approach based on the ontological and epistemological assumptions presented. The study research questions are aimed at knowing the “Why” and “How” as well as providing a platform to understand

the problem in-depth. Qualitative studies involve a discovery process. when we begin, we do not know what we will find out, and we use what we discover in the data that we collect to shape our inquiry. The research process is iterative rather than sequential (Forman et al., 2008). However, critiques of qualitative approach argue that the small size of informants in some studies make it difficult for the results to be taken seriously by policy makers (Kneale & Santy, 1999; Rahman, 2020). The large volumes of data collected makes it time consuming to analyse and expensive overall (Male, 2016).

Lobule refugee settlement is used in context to understand the concepts, and theories used in this study. Case study methods are used across diverse topics and disciplines to understand complex phenomena within their contexts (Creswell & Poth, 2016; Yin, 2003). Case study methods should be considered a key method to refine concepts and build theory. They help the researcher to understand the relationships and behaviours between individuals and institutional structures (Grenier, 2023). However, case studies are often erroneously criticized for having a “degrees of freedom” problem, and yet the method may provide evidence that bears on multiple testable implications of a theory within a single case (George & Bennett, 2005, pp. 28-29).

#### **4.4 Sampling Techniques**

Purposive sampling technique involves finding and selecting individuals or groups of individuals that were especially knowledgeable about or experienced with a phenomenon of interest (Creswell & Clark, 2017). The research study used purposive or purposeful sampling, seeking information-rich cases with potential to generate insight about the phenomenon (Jones et al., 2013). This involves identification and choice of individuals or groups of individuals that are proficient and well-informed with a phenomenon of interest (Creswell & Clark, 2011). Patton noted that a minimum for expected reasonable coverage of the phenomenon can be included for the sake of budget and planning, but the design should be understood to be flexible and emergent (Patton, 2014). The sampling presupposes a deliberate attempt to select informants with direct reference to the research questions being asked (Bryman, 2016).

#### **Sampling process of sites and informants**

I left Trondheim 1<sup>st</sup> day of July 2022 and safely arrived in Uganda to conduct my fieldwork planned for eight weeks and returned on 2<sup>nd</sup> September 2022. For any engagement with refugees in Uganda, it is a requirement that researchers seek permission from the Office of

the Prime Minister (OPM), the authority of the government responsible for refugee welfare. Gatekeeper is a person or institution who controls, facilitates, or denies researcher access to a particular community or institution. They can influence whether individuals accept to participate in research projects, how quickly they are recruited, and the credibility and cultural competence of researchers within their communities (Hay & Cope, 2021). Based on this background, I then wrote an official letter on 4<sup>th</sup> day of July 2022 requesting for permission to collect data from Lobule refugee settlement. The response dated 8<sup>th</sup> day of July 2022 was collected on 12<sup>th</sup> day of July 2022 by the researcher. The letter also gave me permission to interact with the implementing partners working within Lobule Refugee settlement. The permission letter is attached in **Appendix 4**.

On receiving the letter from Office of the Prime Minister, I travelled to Koboko District on 14<sup>th</sup> day of July 2022. The same bureaucracy exists in the Local Governments of Uganda. The Local Government Act, 1997 (CAP 243), Section 63 Establishment of the Chief Administrative Office (CAO) – the officer in-charge of district administration in Uganda (GOU 1997). I then wrote an official letter to the CAO seeking permission to go to Lobule sub-county to collect data. This was followed by a physical visit to his office to explain the purpose of my study. The response to my letter was copied to the sub-county chief who is the technical head and the Sub-County chairperson who is the political head of the sub-county. This process was important since some of the research informants were from Lobule Sub- County. The permission letter is attached in **Appendix 5**.

The Key informant interviewees<sup>1</sup> (KII) included the refugee informants who have land for farming outside the gazetted settlement area within the host community, representatives of the Refugee welfare Council (RWC)<sup>2</sup> and non-governmental organisations (NGOs) UNHCR, Humanitarian Assistance and Development Services (HADs), the sub-county chairperson, representative of Local council (LC), Community Development Officer (CDO) and the customary landowners. The choice of the technique helped the researcher to select informants who provided a collection of rich and valuable information in

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<sup>1</sup> The word interviewees and informants are used interchangeably in this thesis to refer to the research participants.

<sup>2</sup> Refugee leadership structures parallel Uganda's own local governance model, which is composed of ascending levels of Local Councils. At the village level, there is a Refugee Welfare Council 1, or RWC1; at the cluster level, RWC2, and for each zone, an RWC3. These are decided by elections overseen by OPM. The RWC at each level is headed by a chair.

answering the research questions. Secondly, it minimized on the research expenses or costs and time needed to select important informants.

Based on the researcher’s experience working in the land sector at Koboko District Local Government, there have been reports on conflicts among the customary landowners over land given to Lobule refugee settlement. Besides, during construction of Waju II primary school the landowners sued the local government over encroachment on their land. A court case by landowners from the community against the local government was reported on grounds that land to settle the refugees was given without their consent. The sites Waju II and III were selected based on this background to understand the relationship between refugees and the host community when it comes to access and use of land beyond the settlement for farming to improve food security for their households.

#### 4.5 Research Participants

In the study, I carried out eight key informant interviews, eight in-depth interviews, and two focus group discussions. The interviewees for in-depth interviews drawn from diverse age groups, occupation, gender, and ethnicity. And key informant interviewees were chosen based on roles and responsibilities, and knowledge such as RWC’s, LC, CDO, staff from UNHCR, and settlement commandments. The table below is a summary of research participants as are also reflected in **Appendix 1**:

**Table 2:** Research Participants

Respondents	Interviews					Total
	Key Informants	Individual	Group Interview (2)	Gender		
				Female	Male	
Refugees	2	6	8	10	6	16
Government	4	-	-	-	4	4
NGOs	2	-	-	2	-	2
Landowners	-	2	2	-	4	4
<b>Total</b>	<b>8</b>	<b>8</b>	<b>10</b>	<b>12</b>	<b>14</b>	<b>26</b>

**Source:** *Researcher 2022*

## **4.6 Data Sources**

The study used primary and secondary data sources. Primary data are collected for the first time and are original. It is generated by the researcher, thus self-constructed (Cloke et al., 2004). The primary sources of data for the research project were in-depth interviews, focus group interviews, non-participant observation and photography. Triangulation of the data collection methods can result to better confirmability, dependability, transferability of a researcher's data (Hay & Cope, 2021, p. 11). Because of the variety of perspectives uncovered by interviews, researchers should be careful to resist claims that they have discovered the truth about a series of events or that they have distilled the public opinion (Goss & Leinbach, 1996; Kong, 1998).

### **4.6.1 Primary data Sources**

#### **4.6.1.1 Interviews**

“Interviews are an excellent method of gaining access to information about places, events, opinions, and experiences that vary among intersectionality” (Hay & Cope, 2021, p. 149). Bryman (2016) argues that interviews are the most widely used method of data collection in qualitative research. It is a face-to-face conversation between a researcher and a respondent to gain understanding of the underlying reasons and motivations for people's attitudes, preferences, or behaviour (Bryman, 2016).

After getting the required permission from OPM and Koboko District Local Government, I started making telephone contacts and physical visits to the key informants in order to make interview appointments. This is because some key informants and individuals had busy schedules. The first interview I had was with the settlement commandant who is the “gatekeeper” of OPM and oversees the operations of the Lobule refugee settlement. He then introduced me to the Refugee welfare Council (RWC) III who became my contact person to the refugees. The RWC III then referred the researcher to the RWC in-charge of women affairs and the Local council of the host villages. The second key informant to be interviewed was a staff from UNHCR responsible for Lobule refugee settlement. Then a staff from HADs in charge of Environment and Energy Sector. The RWC III, LCs and research assistants were of immense help in mobilising refugees that were research participants.

The interviews started with self-introductions between the researcher and the informants. Information about the purpose of the research study, privacy, and anonymity rights were clearly discussed as shown in the NSD form and consent form (**Appendix 3**). Before commencement of the interviews, the researcher read through the consent form and the ethical clearance form that stipulated the risks and benefits of participating in the research. The researcher also ensured that, the processes of anonymisation of the informants was relayed especially the practice of use of pseudo-names. Upon this, the researcher then sought the participation of the informants. Those who were willing to participant in the interviews were the ones that the researcher was able to engage with. In one of the interviews, an informant had opted that no photos of her should be taken and neither recording of the interview proceeding, and the researcher complied to this request.

### **Interview Guides**

Interview guide is a list of topics to be covered in an interview. It may have some clearly worded questions or key concepts intended to guide the interviewer (Hay & Cope, 2021). An interview guide with semi-structured questions was designed to enable research informants to provide relevant information to the research study. The study had Key Informant, individual and focus groups interviewees and each category named, had a different interview guide. The interview guides were organised along the following themes: background of informant, land access rights, conditions that influence land access among refugee women, how they manage the land accessed, challenges or barriers they face, and benefits of access and managing land from the host community. However, for the landowners' questions on landownership were asked. The interview guides are found in **Appendix 2**.

### **Transcription**

Transcription is a written record of speech for example interviews, focus group proceedings. It may also include textual description of informant gestures and tone (Hay & Cope, 2021). Recorded interviews should also be transcribed as soon as possible after the interview. Transcription is time-consuming and therefore a resource-intensive task (Cope, 2020). I was able to get an audio recorder from the Geography Department of the university to record the interview sessions. Transcription of the audio recording using Ms-word translator was done. Unfortunately, the MS-word translator is easier for audios in English

but for any audio recording like some of the ones I had, with a local language it really takes a lot of time to transcribe.

#### **4.6.1.2 Focus Group Interview**

Group interview is one of the group techniques used in research, in which each participant is asked the same question in turn and there is little or no interaction between participants (Barbour, 2009). Focus groups have been shown to be particularly useful in exploring the ways in which people collectively make sense of a phenomenon and construct meanings around it (Waterton & Wynne, 1999). The study used group interviews to further probe and get detailed information that was not acquired in individual interviews.

Snowball sampling technique involves finding participants for a research project by asking existing informants to recommend others who might be interested. From one to two participants, the number of people involved in the project snowballs also known as chain sampling (Hay & Cope, 2021). Snowball sampling was used to select the participants for the focus group interviews. The RWC Chairperson, Local council I, of mijale village and refugees recommended participants for the focus groups since only refugees accessing and using land from the customary landowners were of interest to the study. Before the group interviews were conducted, initial telephone contacts through the RWCs (Refugee Welfare Councils) chairperson were made and then conversations with the participants and researcher on their willingness and availability to attend the group interviews on the scheduled dates.

Two focus group interviews were conducted in Waju II and Waju III villages of not more than eight people. An interview guide with Semi-structured questions was designed (Appendix 1). The purpose was to get a deeper understanding of how refugees' access and manage land in the host community. The Women group was in Waju I and had five (5) members but only four showed up and their ages were between 40-63years they were all female household heads, all hired land from the host community. The men's group was in Waju III and had six (6) members, four were refugees and two landowners making up the ages between 44 -74years. Waju III group included the landowners who are nationals. These two group were chosen to diffuse power relations that would arise if both genders were involved in focus group interviews, as noted by Catungal, Qualitative researchers may try to mitigate the influence of such power relations by conducting a focus group or two

specifically for women, but then may find that racial or class differences among women and the very definition of who identifies with the category "woman" may affect participation and results (Catungal, 2017). The group members homogenous or heterogeneous along certain dimensions and the choice is mostly decided by the purpose of the research (Wong, 2008).

I personally experienced challenges during transcribing of audio recordings from the focus group interviews. First, the interviews took more than sixty (60) minutes and secondly, it was a mixture of "Kakwa" language being translated to English and the translate software is only in English. However, some challenges of group interviews are that they produce massive amounts of data and therefore takes a lot of time to organize and analyse. When more than two participants talk at the same time transcribing the recording is a challenge (Bryla & Syroka, 2007).

#### **4.6.1.3 Observation**

The study used the non-participant observation to physically see how the land they are given by OPM is used and the land use and management practices of the land they get outside the settlement area. Some photographs and note taking during data collection. Non-participant observation was used to complement data received from the individual and group interviews. When the observation takes place in the natural setting, it is termed as uncontrolled observation. There is also the danger of having the feeling that we know more about the observed phenomena than we actually do (Kothari, 2004).

#### **4.6.2 Secondary Data Sources**

Secondary data sources were used for the study. Secondary data are those that have already been collected by other people (Kothari, 2004) while Cloke et al. (2004) refer to secondary data as preconstructed material. These include documentary reviews of peer reviewed literature, independent reports, and journals with similar concepts of the research study. I used search engines like Google scholar, JSTOR, NTNU (Norwegian University of Science and Technology) ORIA, as well as government documents and online websites. The literature reviewed was focused on land use and management by refugees, governments of Uganda laws and policies on Refugee host integration.

#### **4.7 Research Assistants**

The study conducted interviews with key informants in English and except for four key informants whose interviews were conducted in “Kakwa” local language. The Congolese refugees speak Kakwa language that is also spoken in Koboko District. The research assistants and Refugee welfare chairperson helped with the interpretation from Kakwa to English since the researcher only understands but cannot fluently speak the kakwa language. The researcher conducted a two-day training workshop on 18<sup>th</sup> -19<sup>th</sup> day of July 2022 with the research assistants to explain the research aims and data collection tools that were used.

The purpose of the training was to help them understand the key concepts of the study. Secondly, to ensure that the key concepts of the study were well articulated to the research participants in order not to compromise reliability of the data. Both research assistants are university graduates with one in social sciences and the other in environment science and management. They both have had activities or programmes that involved working in the refugee settlement and interaction with the refugees. They knew the geography of the study area. Of course, it was time consuming and costly but was critical to have them to get necessary data for the research study.

#### **4.8 Data Analysis**

Data analysis is a complex and challenging process of research in which one makes meaning from data (Crang & Cook, 2007). The qualitative analysis continues inductively from making specific observations to finding recurrent themes and patterns in the data. Researchers examine cases systematically and then compare data across cases on themes and diversity of perspectives on these themes (Forman et al., 2008). The analysis proceeds from examining the raw data to coding, theme, or pattern development, and finally finding relations among themes (Creswell & Poth, 2016).

Coding is an early step in qualitative analysis and the purpose is data reduction, organization, substantive data exploration, analysis, and theory-building (Hay & Cope, 2021; Morgan, 1993). I developed a list of codes manually before the coding process though other codes appeared during the process. Descriptive codes reflect themes of patterns that are obvious on the surface or are said directly by the research informants. Descriptive codes bring about analytic codes by allowing a connection to be made and at other times analytic codes are in place at the beginning of the coding process since they are embedded in the

research questions(Hay & Cope, 2021). Analytic codes were also used to reflect on themes or patterns of interest derived from the data such “factors that influence land access”, “access to land”. “Use of land”, and “management of land”, “Challenges or barriers”, “benefits” of land accessed in Lobule refugee settlement.

This research used content analysis which was done by hand and computer, to find terms, phrases, or actions that appear in a text document, audio recording, and then counting how many times they appear and in what context (Hay & Cope, 2021).Content analysis of the interview transcripts and written responses was done to find common responses from the research participants. Comparative analysis is a form of case study research that compares similarities and differences across multiple instances of a phenomenon to enhance theoretical or conceptual depth (Hay & Cope, 2021). I compared interview responses from individual interviews and focus group interviews to establish if there were differences in relation to the study themes. The data was interpreted by comparing the codes, themes, and their relationship. This was narrowed down to reflect the key concepts in the research study. These themes formed a basis for the conceptual framework on land rights for refugee women that included refugee vulnerability, refugee women land rights, social and institutional structures, and the refugee outcomes.

#### **4.9 Credibility and Reliability**

Credibility is the plausibility of an interpretation or account of experience, the trustworthiness of a source or method. Qualitative data and insights gained from them need to be trustworthy to be reliable and generalizable (Hay & Cope, 2021). The study is credible because I used in-depth interviews, focus group and observations methods to complement each other during my data collection. Besides, the selection of participants was done using purposive sampling and snowball sampling techniques which are credible methods in qualitative research.

Reliability shows that a particular approach will yield consistent and reproducible results when used in similar circumstances by different researchers or at different times (Creswell, 2014; Hay & Cope, 2021). The responses from the research participants were not influenced by the researcher's opinions. The same questions if asked in Zone B Lobule refugee settlement and host communities might be able to give similar responses. I conducted the study the morning after ten o'clock when most of the refugees had returned

home or were returning from their gardens. I learnt from the first days of the fieldwork most homesteads were left with only children while adults went to dig, since July-August is the second planting season.

#### **4.10 Ethics**

Ethics refers to the moral conduct of researchers and their responsibilities and obligations to those involved in the research (Hay & Cope, 2021). Informed consent, the researcher orally asked the informants for their agreement to take part in the study having briefed them on the purpose of the research study. The subjects who accepted to take part signed the consent forms (**Appendix 3**) availed to them by the researcher. The researcher maximized benefits for informants by meeting them at a convenient time after 10:00a.m and at their homes.

The researcher minimized risks for informants by treating them politely with respect. Despite signing the consent form some participants were not comfortable having the interview sessions recorded and the researcher respected that. I asked to take their pictures during the interviews, and most of them accepted. The local language which they were comfortable and conversant with was used during the interview sessions. The reason I had to use research assistants during my fieldwork.

To deal with emerging biases the researcher used purposive sampling procedures to get the right sample, triangulated data sources and adhered to research ethics. Responses from the interviews were managed and stored following the privacy and confidentiality rights of the university. After the final presentation and approval of the thesis report I intend to share my results with government authorities and non-governmental authorities or implementing partners at Lobule refugee settlement.

#### **4.11 Positionality of the researcher**

Positionality is how a researcher is positioned to different power structures and how these power structures affect how the researcher understands and perceives the world (Moser, 2008). I have lived in the study area for over 14 years, my beliefs and understanding of the world will have some connection with the research participants in Lobule sub-county. Besides during the fieldwork, I took the position of a student who was interested

in understanding and listening to refugee experiences on how they get, use, and manage land in lobule refugee settlement.

A research position in which the researcher is socially accepted as an "insider" or a member of the social groups or locations studied (Hay & Cope, 2021). Some informants asked where I come from, and I told them from Koboko District, they became interested and comfortable with the interactions. This created trust and openness between the researcher and participants as they gave information freely, since I was considered an "Insider". During my fieldwork I felt well received by the research participants and I believe they gave me the necessary information needed to help answer my research questions. I tried to be as neutral and open as possible to the information I received since it was the first time, I was interacting with refugees on issues to deal with land.

My social skills were developed through my work with the community and my employment as a land officer for the Koboko District Local Government, which I used to conduct the research study. It was easy for me to conduct myself professionally and ethically about my dressing, making initial contacts with participants and being open minded as possible. My ability to interact with people from different cultures and with those who hold different worldviews has also been enhanced by the chance to travel and study abroad for my master's degree. Moser (2008) argues that when reflecting upon one's positionality consideration should be made on researchers' personality and how the personality could influence the study and collection of empirical data (Moser, 2008).

#### **4.12 Limitations of the study**

The time given to conduct the fieldwork was not adequate considering that my first two weeks of fieldwork were used to seek authority from Office of the Prime minister and Koboko District Local Government before engaging with the research informants. Some interviews were delayed because of the busy schedules of some sub-county staff for example it took me almost two weeks of waiting to interact with the CDO because he was out of the district for a training that took almost 3weeks. I also failed to interview the Production officer who would have complemented the information I received from the other sub-county staff.

The period June-August is the Second season planting, so it was difficult to find the research informants in their homes in the morning especially between 9a.m-12 since they leave early to go to the field to dig. However, for the informants to be interviewed, we agreed to meet after 10: 00a.m

I was not able to access any written documentation from the sub-county, District Headquarters and OPM offices in relation to the land offer agreement by community to OPM to set up the refugee settlement. The interest was to understand the Terms of reference in the land agreement, since during the interviews there were some complaints from the landowners on how their requests were not honoured by OPM. However, despite the limitations the data collected was sufficient enough to provide credible and reliable data to answer the study research questions.

#### **4.13 Chapter Summary**

The chapter described the philosophical assumptions of the study, the justification of research design and data collection methods. The data collection methods used included in-depth interviews, focus groups and observations. Sampling of research participants and study sites was done using purposive sampling and snowball sampling. The interview guides designed helped during interview sessions though certain questions asked were not reflected in the guides depending on how the discussions or interactions were going on. After transcribing the audio recordings from the interviews, the data was analysed through interpretation and reconstruction of the meanings to answer the research questions. Ethical considerations of informed consent, privacy, respect for persons and confidentiality and privacy were prioritized during the research study. Finally, positionality of the researcher and limitations of the study were discussed. The next chapter 5 will review the findings from the data collection methods used.



## **CHAPTER 5: FINDINGS**

### **5.1 Introduction**

In this chapter, the researcher discusses the major findings from the fieldwork. The findings are presented in relation to the research questions (see. Chapter 1). These include factors that influence refugee women access to land; processes of land acquisition by the refugees; and how the refugees manage the land that they have accessed. The discussions reflect the sub-themes identified in the conceptual framework (see. Chapter 3). In this chapter, the terms “informants” or “participants” are used interchangeably to refer to interviewees in either the individual or focus groups interviews.

### **5.2 Factors that influence land access and use by refugee women.**

The findings reveal that environmental, economic, institutional, and social factors influence access and use of land by refugees’ women from the host community.

#### **5.2.1 Environmental factors**

Majority of the informants reported that the land allocated to them by OPM is not sufficient to sustain their food needs and increasing household size. Many of them sought land outside the settlement boundaries. They hire land at a cost defined by the customary landowners.

##### **5.2.1.1 Land size**

When asked why they sought land outside the settlement boundaries, the following responses were recorded from Ajonye, Mercy and Aloro:

“My land is 35mx35m, I built a house and cultivate maize on it. Land is not enough so I hire land as an alternative from the host, and she has planted maize”. — Ajonye

“I was given a 35mx35m plot of Land by Office of the Prime Minister. I built our house, planted potatoes and tomatoes. The land is not enough that is why I go out to hire”. — Mercy

“Land given by Office of the Prime Minister is not enough. For example, in Waju II, refugees are given 35m by 35m and Waju III they are given 25m by 25m. Food insecurity caused me to look for land (...) to provide food to my children and family to avoid them from stealing, to also be able to send my children to school, and in case of sickness, I can then take care of myself”. —Aloro

The above lamentations were not unique to Ajonye, Mercy and Aloro, many of the interviewees intimated and expressed the same feelings. For instance, during focus group discussions in Waju III, many of the male interviewees commented that the land allocated to them was very insufficient to sustain a meaningful livelihood in which basic needs were attained. When a triangulation was done, key informant interview excerpts from government officials also attested to the above claims.

“Land is not adequate for the refugees and yet their population is increasing, and land some of the land is unproductive”. —Daniel

#### **5.2.1.2 Fertility of land**

The researcher also asked questions that particularly related to the productivity of the land allocated to the refugees. The following are some of responses that were recorded which particularly related to the productivity of the land allocated.

“I am a resident of Waju III, the piece of land I was given is not fertile, my plot is waterlogged during the rainy season and sandy that is why I hire land across River Atu”. — Bako

“My land is not fertile because what I plant does not give much yield because of that I hire land from the host. The available land in Waju III is not fertile, it only favours maize and simsim growing”. —Edward

In reference to both land size and productivity, a key informant interview with a government official confirmed the claims of the interviewees.

“From my observation, I see that first of all the land allocated is not any near to enough, because if you look at the household size and the plot that is given for cultivating it is really not enough. And then some of the refugees

are placed on plots which are unproductive, and this negatively affects their livelihood”. —Anyole

### **5.2.1.2 The changing weather conditions.**

Some informants identified changing weather conditions as a factor that caused them to seek land outside the settlement for farming. Majority of the interviewees decried the drought of 2021 which was followed by hailstorm in the August of the same year. To many of the interviewees, these changes resulted into food insecurity and subsequently hunger. Moreover, poor harvests as result of the weather changes reduced the crop yields.

“Last year (2021) I was going to have a good harvest, but hailstorms destroyed my crops”. —John

“Hunger and food insecurity as a result of destroyed crops in 2021 has pushed me to go and look for land”. —Peter

“The harvest is not good because of this weather pattern. Most of the season is so sunny, I use the land given by OPM for short time to plant vegetables, I can replant every three months which can make me survive. When I grow much, I can sale to help me in my other issues because there are so many needs”. —Samson

Documentary reviews also provided information about the devastating hailstorms that the interviewees reported about which happened in 2021.



**Figure 5:** Show news reports on the hailstorm that ravaged Lobule sub-county in 2021.

## 5.2.2 Economic factors

To hire/rent land, it requires money. Many of the interviewees do not have stable sources of income to engage in the processing of hiring land or renting. When asked how they raise the money for land transactions, many of them reported that they use the money given to them. In Lobule Refugee Settlement Cash Bash Intervention replaces food rations. In this arrangement, a refugee is given monthly cash instead of food rations. It is this money that the refugees use to hire/rent land.

### 5.2.2.1 Availability of Cash

Majority of the interviewees report that availability cash for food has caused them to go and seek for land beyond the settlement. Mercy, Akulia and Samson report how they use the cash transfer monthly allocation to hire land.

“I receive 22,000ugx per month for food which is small for me. I have to hire the land with money and yet there is no money, but I struggle to look for it in order to get land. I hire land for planting maize so that I can sale the harvest to get money”. —Mercy

“Food has become a challenge since the food ratio money was reduced. I receive 22,000ugx for food which is not enough. I now use part of the money to hire land”. —Akulia

“...Each refugee within a household gets 22,000ugx and the elderly are given 122,000ugx every month”. — Samson

However, some key informants reported on how the reduction in cash for food has affected the refugees and influenced them to seek land beyond the settlement.

“Since food ratio was reduced, we have sensitized the refugees to supplement on the food they have. Projects like DRDIP are supporting refugees in groups through tree planting and livelihood programmes. The groups deal in produce and trade using a revolving fund started in 2022 were the refugees and host are paid 54days for road works in form of Cash”. —Daniel

“...the issues we raise are so many since the cash has gone down. At times, we ask for more money to be added to us”. —Samson

#### **5.2.2.2 Participate in farming for income generation.**

One of the questions that I asked the informants was what income generating activity are they involved in? Majority of the refugee informants reported that they engage in farming in order to get money. They need land to engage in farming to earn some money and so they seek land beyond the settlement area. Rashida, Aleti and Ajonye interviews reveal they engage in farming for income.

“Since I do not own any other business, I only farm. I usually plant beans and maize. When the harvest is good then I can sell some of the harvest to get some money”. — Rashida

“...as women because of poverty, we cannot engage in other businesses-like knitting, retail shop, tailoring and so farming is easy for them”. —Aleti

I work in the garden in order to get some money to buy some household items. The crops I plant include beans, simsim, cassava, groundnuts”. — Ajonye

Key informants confirm the reports of interviewees on farming as the major source of income for refugees in Lobule refugee settlement.

“Congolese refugees are dependent on farming as their form of livelihood. Congolese cannot stay without digging”. —Sharon

“Refugees go and hire land because they want income generation, they need to get more income because they don't want to remain behind when others are moving forward. In fact, if there was land, they were going to compete with the nationals”. —Samson

### **5.2.2.3 Trainings on business and farming skills**

The interviews revealed that refugees have been provided with farming and business skills as means of livelihood support by the implementing partners operating in Lobule refugee settlement. Peter and Bako are beneficiaries of the trainings.

“I have benefited in two trainings. First was in business especially in accounting. The second was in farming skills. I try to put my farming skill in practice by hiring extra piece of land that is ample enough to raise me some income through sale of harvest. I search for land outside the settlement for survival. The harvest from farm is sold to pay fees in school”. —Peter

“... I have received advice and training on farming practices like harvesting and storage”. —Bako

According to Amule and John's testimony from the Waju III focus group, they received training from the implementing partners at Lobule refugee settlement to improve their skills for generating income.

“I have received training on income generation, business skills and farming skills from different implementing partners like ACAV, CEFORD, JAM, HADS, WFP”. — Amule

“I have received farming skills (...) on Land management such as, planting in lines to avoid wastage of seeds, how to harvest, use manure, cow dung. I do mixed farming for example I rotate crops and sometimes leave some part of the plot to rest for one season”. —John

### **5.2.3 Institutional factors**

These institutional factors are the policies, laws, and regulations in place to access land in the refugee settlement. Organizations that facilitate these processes of acquiring, using, and managing land within the settlement area. Government of Uganda has the mandate to enforce the access, withdrawal, management, exclusion, and alienation rights of land and also grant rights to refugees.

#### **5.2.3.1 Acquisition of land from customary landowners.**

The interviews revealed that the organisations such as Office of the Prime Minister (OPM), Koboko District Local Government, Lobule Sub- County, UNHCR, HADS, and other implementing partners play a role in facilitating land access, use and management rights in Lobule refugee settlement. These organisations do this through community sensitisations, community policing and trainings. Besides, these organisations are guided by policies, laws, and regulations with regard to land ownership, and settlement of refugees in the host community.

The land in Lobule sub-county is majorly customary land. The customary owners after several engagements with OPM and the local government leadership were requested for land to facilitate the establishment of Lobule Refugee settlement in 2013. One of the landowners reported on the same.

“When the refugees came, the (...) District Chairperson and sub-county chairperson came to us. We accepted to accommodate the refugees but asked the leaders how we were going to receive help from this arrangement? We the landlords willingly gave the refugees the land for free so that they could be given food ratio as landlords. Nothing has been given to us by UNHCR since the refugees came and the landlords wish refugees to leave their land”.

—Ismail

Government facilitates land access and management among the refugees, and this is elaborated by key informants’, Anyole, Samsom and Daniel.

“Government engages landowners to give land since its customary land. The communities are informed on how to use and manage land and provided guidance on the laws of Uganda. Some landowners charge different prices for hiring land among nationals and refugees”. — Anyole

“When government engages landowners to give land, then that’s when refugees can plant. We feel like we should replace the trees we have destroyed. But you find that we are on customary tenure land. This land is customary tenure the government has no land here. The land belongs to the people. So, it is very difficult”. —Samson

“Office of the Prime Minister comes in when there is a conflict on land ... the issues are talked about in community dialogue meetings or through livelihood programmes. The Energy and Environment department of one of the implementing partners is tasked to supply seedlings from National Forestry Authority to host farmers”. —Daniel

### **5.2.3.2 Coordination role by the Organizations**

The organisations operating in the Lobule refugee settlement play a role in coordinating government programmes through community sensitizations, community policing and attending meetings. During implementation of these various activities, they update themselves on how to ensure peaceful co-existence between the refugee and host community. Samson, Anyole and Atiku reported on the coordination role as follows.

“During the coordination meetings, I am the one briefing implementing partners on what the refugees have said. OPM also sends me to the village leaders to pass information and sometimes I liaise with UNHCR and other NGOs. Normally issues discussed concern the welfare of refugees mainly land issue since everyone is given a piece of land by OPM. We go for community policing. The LCs are also there to assist and the sub-county leadership when refugees need help. We are also sensitizing the host on how to stay with the refugees”. —Samson

“One of the cardinal roles that I play is ensuring that the plans of the refugees are integrated in our sub-county development plans. And when we usually conduct village meetings, we ensure the refugees needs are integrated”. —Anyole

“My role as a local council leader is to promote peace between refugees and the nationals. To encourage them to live in peace and to share resources together. I am also involved in community sensitizations”. —Atiku

“We also play a big role in ensuring that refugees are protected in terms of their security. We promote peaceful coexistence between the refugee and host community. The local government through our Systems provide for basic services especially in relation to social economic infrastructure. This is through the various projects by ensuring that roads are properly maintained in good conditions, and other facilities like education and health. We also play a supervisory role in ensuring that the welfare of the Community is maintained. Through our interaction with the various organizations, we ensure that they do the right things. For example, we have a subcounty NGO monitoring committee that consists of sub-county leadership and one representative for all NGOs operating in the sub-county, its role is to monitor the operations of the organizations within the sub-county” — Anyole.

#### **5.2.4 Social factors**

Relationships through social interactions between the refugees and host community influences how they access, use, and manage land in Lobule refugee settlement. These relationships include friendships, referrals by friends or in-laws among other. The refugees and host community speak the same local language “Kakwa”. Some of the refugees have also intermarried within the host community. Samson, Daniel and Dawa reported on the relationships influence land access.

“You can't differentiate whether this is a refugee or national because we speak the same language and then we intermarry each other. You find that some Ugandans are married to Congolese and Congolese married here, so we have in-laws everywhere”. —Samson

“We have engaged landlords to support their brothers; engaged partners to support livelihood projects to benefit both refugees and host communities; Close collaboration with district authorities in refugee management which has made it easy in livelihoods, health, water, community services; UNHCR supporting focal point persons with extra allowances at the district”. —Daniel

“I have made friendship in the host community. When a national lacks money and comes to me asking for money, he can say there is land like a quarter an acre at 50,000ugx. If someone is interested in taking it up, then he rents it out to you ... the relationship with my landlord is good. He is a kind and loving person. Even after seeing that I have worked on the land, he asked me whether he should give me another quarter at 30,000ugx but the money is not there. It is the way you interact with them. when you're not friendly, they also are not friendly”. —Samson

“...As long as you follow what the landowners says for example planting only one crop if that is what you agreed on, then you will not have problems with him. As for me, I have no problems with my landlord”. —Dawa

Besides the revelations by the interviewees on their friendly relationships with the landowners. One of the landowners Moses also said that his relationship with the refugees he rents out land is good. During their difficult times to pay the rent they are understanding of the prevailing situations.

“... when refugees fail to pay (...) the agreed amount of money for the hire of land on time, we understand ourselves. we have been experiencing hunger this season and we don't have money”. —Moses

In the Focus Group in Waju II majority of the informants who are female heads of household, said they are overburdened with household responsibilities. Ariye reported how burdened she is and not having a man to support her struggles. Besides, she is facing challenges paying back a loan she picked to help with her household need.

“I am a female head of household. I have too much work of looking after my family that is school fees, food among other needs. since I have no man around, it's a burden on me to look after the household. I am choking with loans or debts and yet I don't have knowledge on how to manage my money”. —Ariye

### **5.3 Access and use of Land among refugee women.**

Refugees access land either by allocation from Government of Uganda or using cash to hire land. All the refugees are allocated a piece of land on arrival, in waju II they get

35m by 35m while in waju III it is 25m by 25m. A key informant said, there are two ways in which the refugee access land in Lobule sub-county.

“Access to land by refugees in this sub-county has been in two folds. One which has been given by government, and one which they looked for to do cultivation. They hire the land on individual basis, which means they have to pay for those ones themselves”. —Anyole

### **5.3.1 Access to Land by OPM**

Majority of the interviewees revealed that the land allocation in Waju II and Waju III is not the same. There was no specific reason as to why there was variation in the size of the land allocated. Rashida and Abdul report on their size of land allocated by OPM.

“...I stay in Waju II, and I was given a piece of land measuring 35m by 35m”. — Rashida

“My wife came early and settled before me here in Waju III. She was given a plot 25m by 25m. When I came later on, I was also given a plot measuring 25m by 25m. The plots are close to each other and therefore the family jointly have a 50m-by-50m plot”. —Abdul

### **5.3.2 Access to land using Cash transfer.**

In Lobule Refugee settlement the Cash Bash Intervention (CBI) for food assistance is being implemented whereby the refugees are given monthly cash to help them buy food for their households. Refugees hire land from the customary landowners to supplement on the land they are given by Office of the Prime Minister. The interviews revealed that the land allocated by OPM is not enough to sustain their food needs and increasing household size. The refugees then seek for land beyond the settlement to use for farming.

The alienation rights are stipulated in the Uganda Land Act 1998 (with amendments). The customary landowners have alienation rights which grant them authority to sell or lease or both depending on their need. The refugee women hire customary land which is based on the norms, values, and traditions of the community in Lobule sub-county. One of the landowners Ismail confirms that he rents out part of his land to the refugees.

“I have 10 acres of land. I have given about 7 acres to 9 refugees. My land is not registered, its customary land. I do not know how to register my land. I rent out my land and each of the refugee is given a piece of land measuring 35mx35m and pays between 25,000ugx-30,000ugx. I make verbal agreements with them for a year. Before the refugees came, I used to hire to nationals at the same price”. —Ismail

Refugee hire land from customary landowners based on verbal agreements, local understanding, mutual trust, private arrangements, friendships, or referrals by in-laws. Rashida narrates how she got her land through a referral by her in-law living in Waju III because she lives in Waju II.

“I did not find a plot to hire nearby my settlement plot. I was able to find land through my in-law who stays in Waju III. I negotiated with the landlord and agreed to pay him in instalments”. — Rashida

The landowners rent out their land to the refugees without any formal documentation. Samson reported about the lack of written agreement for hiring land between the landowner and refugee while Mercy said she has not heard about any other way of hiring land apart from the verbal agreements.

“...now the arrangement is made verbal with two witnesses from refugee side and landlord side. we feel safe with the arrangement and landlord acts as the security”. — Samson

“I have not heard about any other way of getting land... just natural understanding,  
(...) with the landowners”. Mercy

The interviewees report about the lack of written agreement and land offer agreements are confirmed by key informants Daniel and Sharon

“In 2018 UNHCR and partners drafted a land agreement form. However, the terms were not favourable to both refugees and host communities and the form was abandoned”. —Daniel

“There are no formal arrangements, but partners are trying to see how refugees can hire land from the nationals”. —Sharon

Some refugees engage in casual labour like digging and weeding gardens for the host community to supplement their cash flow in order to be able to hire land as reported by Mercy and Ayikoru.

“I do casual labour like digging for people. One quarter of an acre I get paid between 25,000ugx to 30,000ugx. The money I get I use it to hire land for farming”. —Mercy

“I am engaged in casual labour for example weeding gardens and I get paid 5,000ugx for a quarter an acre that is 35m by 35m of land. I also make handcrafts (sete/winnower), brooms and people come and buy from my home. I have Rented land so far for 3years and paid100,000ugx for two quarters with my granddaughter. The arrangement is on understanding with the landlord. I pay in instalments sometimes I give 5000ugx other times 10,000ugx, the arrangement is inconsistent”. —Ayikoru

The amount of money you pay to the landowner will determine the size of land as well as the crops to be grown as samson reports. Anyole a key informant says that the sub-county does not influence how much the landowners are supposed to charge the refugees. Samson also reports on the duration of hiring the land.

“The subcounty does not really influence how much landlords will charge for hire of land. But what I learned is that the prevailing rate has been mainly used by the landlords to offer land. But although in some instances there are some landlords who look at one as a refugee then they want to charge them slightly more than if they are offering for a national. This kind of message has been coming out, but I cannot say much on it”. — Anyole

“Hiring is normally for one season. The good landlords can make you hire twice in a year, when you wish to plant beans and you have uprooted them. Then you can beg him again to allow you plant another crop on that same money. when you hire land for planting cassava at times, they say to give

80,000ugx because it is a long-term crop. To plant beans and maize you pay 50,000ugx since these are considered short-term crops. Landowners have now found it as a way of living by renting their land. you'll find him also having very little part of land because he is renting it out". — Samson

Land access and use among refugees in Lobule refugee settlement. The table below shows the price variations for hiring, the size, quality, and location of land. This entirely depends on the landowners who grants access, use and management rights to the refugees based on their verbal agreement and how well the refugee relates with him. Most of the informants in Waju III hire land in Adranga village which is about 2-3km away from their settlement plots. The refugees in Waju II can easily find land in the neighbouring host village (Mijale Village). One informant Amule hires land outside of Lobule sub-county in Kuluba Sub- County that is still within Koboko District.

**Table 3.** Land access and use among refugees using cash transfer.

s/No	Name	Location	Cost of hire	Size of land	Crops grown	Duration
1.	Rashida	Mijale	60,000	1 quarter	Beans, Maize	6months
2.	Ajonye	Adranga	100,000	3 quarters	Maize, cassava	6months
3.	Ariye	Mijale	150,000	3quarters	Cassava, beans	2years
4.	Akulia	Mijale	140,000	2quarters	Maize, Beans	1 year
5.	Aleti	Mijale	80,000	1.5 quarters	Maize, sorghum,	6 months
6.	Dawa	Mijale	50,000	1 quarter	Beans	6months
7.	Mercy	Mijale	40,000	1quarter	Maize	6months
8.	Edward	Adranga	120,000	3quarters	Beans, cassava, groundnuts	6months
9	John	Adranga	75,000	1.5 quarters	simsim, sorghum	6months
10	Amule	Aditiru Village, Kuluba Sub- County	120,000	2quarter	Maize, beans, cassava	1year

**Note:** One quarter an acre of land measures approximately 35m by 35m

### 5.3.3 Use of land

One of the questions was on how the refugees use of the allocated piece of land. Majority of the refugees reported that they use the plots allocated to them by Office of the Prime minister (OPM) to construct houses/shelters, toilets, bathroom, planting fruits trees, establish kitchen gardens.

Key informants Samson and Daniel agree with the interviewees' responses on how they use the land allocated to them by OPM. Meanwhile, a key informant Maureen also acknowledges that they play a role in distributing fruit trees to each refugee household to plant.

“The land, which is given to me in the settlement, first of all I put up a house, and WASH facilities like toilet and so on. I used the land to put up a kitchen garden and plant tomatoes, onions, egg plants, potatoes, okra, and maize. We refugees' there is need to have all your vegetables within your area. We were given some fruit trees and the trees because Uganda motto says when you cut one, you plant five so on this small piece of land they can give you two pieces of fruits and other species of tree you plant on your compound to be a shed”.

—Samson

“The refugees use the land to build houses, kitchen gardening, and as children...grow up and get married, they separate the land and share among themselves. The Energy and Environment department of HADS supply fruit trees to refugees and they are encouraged to plant on their plots in the settlement”. —Daniel

“(...) Household tree planting basically goes to the refugees since the refugees do not have enough land. So, we give them less trees compared to the host, we give them like fruit trees to increase on the food security as well as a few Shed trees to be planted at the boundary of their land, and some on the compound. The fruit trees that we normally distribute, are avocado, jackfruits, citrus, guava, passion fruit, pawpaw, mangoes. Currently for this year, we did not give mangoes since what UNHCR provides is the local breed, and yet people are not interested in them”. —Maureen



**Figure 6:** Shows a jackfruit tree (*Artocarpus heterophyllus*) and guava (*Psidium guajava*) distributed by HADS and planted on one of the plots of a refugee given by OPM.

The refugee women in lobule refugee settlement, have access and withdrawal rights on the land they hire from the landowners by planting and harvesting the crops. They also collect firewood as they clear the land, since some of these parcels are in busy areas. Mercy reports how she hired land near a river, and the challenges she encountered. One of the key informants Anyole also narrates how cultivating close to the rivers is a common practice in Lobule sub-county where high value crops like tobacco and rice are cultivated. Some of the reasons given is that the soils are moist almost all throughout the year. During dry season, the crops can still survive the harsh weather conditions.

“The payment for land depends on how long one wants to use land. Now what I know is if it is towards the wetland for say one season or three months. It might cost between 60,000ugx to 80,000ugx. Cultivating in wetlands one quarter for rice and Tobacco is also 100,000ugx. These crops are high value crops if the yields are good then you can recover the money you spent for hiring. But if the land is outside it might cost between 35,000ugx and 50,000ugx for that same period of time”. — Anyole



**Figure 7.** Shows LC 1 Chairperson of Mijale Village standing near fields close to River Atu, Lobule Sub- County.



**Figure 8.** Showing fields close to River Atu, Lobule Sub- County

## **5.4 Challenges of land access and use among refugee women.**

The landowners revealed that they have challenges with office of the Prime Minister (OPM) that has the responsibility of settling the refugees in Lobule refugee settlement. Besides, the refugees are also faced with some challenges or barriers in search of land for farming from the host community.

### **5.4. 1 Incomplete land commitments by OPM to the customary Landowners**

The terms of land offer agreement by Office of the Prime Minister in relation to the land offered for the establishment of the Lobule refugee settlement by the customary landowners have not been fulfilled. The landowners also feel their gesture of sacrificing land to accommodate the refugees still requires attention. Interviews with Gala, Peter, Daniel, and Edwards revealed likelihood of conflict between OPM and the landowners, if not the land terms are not resolved. Some informants already expressed fear on the actions of some landlords.

“Landlords are not benefiting from hosting the refugees; what was agreed upon was not honoured and so anytime we will plan a riot but have first planned to meet Office of the Prime Minister (OPM) to discuss the issues”.  
— Gala

“Office of the Prime Minister (OPM) should give the nationals their share. The share of the landlords should be paid by OPM because their agreements have not been honoured. Alternatively, OPM should look for another land for the refugees”. — Peter

“...Few goats to the landlords were given in 2018 July. However, landlords in Mijale, Waju II have not been compensated with goats but given 15million Uganda shillings for land. There are complaints from the landlords saying they don't have enough land”. — Daniel

“In Waju III landlords are stubborn, there is no peaceful coexistence between them and the nationals that's why some of the refugees hire even in Yumbe district and other villages like Adranga. If I had enough money, I would hire more than three quarters”. — Edward

#### 5.4.2 Uncertainty in hire of land by refugees

Inconsistent terms of hire have created some conflicts between some landowners and refugees. Ajonye reported that sometimes you agree with the landlord, but he can suddenly change his mind that you harvest your crops before time. Ayikoru reports how her landlord collects money when he is drunk from her and forgets she paid. There are no written agreements between the landlords and refugees. Key informants Anyole and Sharon also reports on the unclear land documentation and how it affects stability of the refugees because of the uncertainty on whether they will still access land in the next season.

“If you have agreed that you are going to use the land for one year, before the time elapses the landlord is already hiring the land to somebody else. He will put you on pressure to harvest your crops quickly and yet you already paid for a year”. — Ajonye

“I have challenges with my landlord because of the inconsistent arrangements in paying for the land. sometimes he picks the money when he is drunk and forgets that I paid”. — Ayikoru

“Besides, the unclear land documentation, even refugee access to the neighbouring land is still a problem. Some of them are surrounded by wetlands which I should say are not by law to be encroached. if they are to access land, it is sometimes far from their settlement, that affects them in terms of constant supervision. The community believe you're not around your field, so it really has a negative orientation on their livelihoods. The issue of quality, issue of size, the issue of location is all affected”. — Anyole

“Once bush land is cleared by refugees, they are chased away by the landowners. They hire land, plant and host community eat the food. District and Office of the Prime Minister (OPM) did not get arable land for the refugees: Some go as far as kuku village to hire land, and some have conflicts with landlords: Even refugees who go through Refugee Welfare Councils (RWC) and Local leaders to get land face the same challenges”. — Sharon

Besides the uncertainty in hiring land, the refugee women reported that the landowners require them to only plant one crop. Planting another crop on the same hired plot will require you to pay more money. In an individual interview with Bako, she expressed her frustration on how she is charged differently for each crop she wishes to plant. While in the Focus group in Waju II, Dawa and Akulia reported on the issue.

“Hiring land is not easy when you plant beans and want to plant simsim you are asked to pay more money. —Bako

“...The landlord wants me only to plant one crop and when I plant another crop, he increases the prices”. —Dawa

“When I hire land from my landlord, he will require me to plant only one crop”. — Akulia

### **5.4.3 Poor crop yields**

Majority of the interviewees revealed how poor crop yields was a challenge to them. The crop yields are affected by the changing weather conditions as reported by Gala.

“Most times the yields are poor because of climate change. Both refugees and hosts community are affected and yet they use fuel wood for cooking, grass for thatching houses”. —Gala

Refugee revealed how they spend money to hire the land, buy the seeds and time spent preparing and planting. Besides if the harvest is poor due to poor timing or bad weather, the losses are upon the refugee who hired the land. Most times the landowners will not allow you replace destroyed crops; they will require you to pay more money as narrated by Ajonye and Amule.

“Some crops planted like in dry season give poor yields. When I occasionally request the landlord if I can replace the loss, the landlord asks me for more money”. — Ajonye

“Loss in terms of poor yields due to dry season is upon the person who rents. Poor yields due to the changing weather pattern most of the season is so sunny. Prolonged dry spells affect their crops”. —Amule

As reported by Ismailland since landowners' on how he used to practice crop rotation, but he is limited by land, since he sacrificed part of it for settling the refugees.

“Since I gave out part of the land for the refugees it has affected my household. We over plant on the same land which affects the yield for example Cassava. I used to rotate my crops before the refugees came to settle on my land. The land has lost fertility. Since 2013 nothing has been given to us as landlords. What happens if the refugees stay for over 15-20years and yet my family are going to increase?”. — Ismail

#### **5.4.4 Conflict over stray animals destroying crops.**

Majority of the interviewees' reported stray animals destroy their crops since most of the hired lands are far from the settlement area. Most of the plots are far away from their residential plots and very difficult to manage the issue of stray animals. Ajonye and Rashida hired plots far away from their settlement plots, but Ajonye asked the landlord to watch over her crops.

“I have hired land far away from where I stay, I frequently makes movements to the hired plot to check the growth of the crops especially after planting. People passing by my field harvest some of my crops. I have now requested the landlord to be security over my land and pay him some money”. — Ajonye

“I didn't find a plot nearby her residential plot in Waju III to hire. The land is far about 2km”. — Rashida

Key informant Daniel and Sharon agreed that the refugees move long distances to hire plots and so are bound to face challenges of stray animals destroying their crops.

“Distance to access land is sometimes about 5-6km away from their settlement plots given by OPM”. — Daniel

“Crops are destroyed by stray animals since the hired lands for farming are far away from their plots of settlement”. — Sharon

Interviews revealed that some of the stray animals are intentionally left by the owners because of jealousy as reported by Sultan a local leader. Maureen a key informant said efforts are sometimes made to settle the conflicts as a result of crops destroyed by stray animals. It is easier if it is between refugee-refugee and difficult to resolve for refugee-national situation.

“There is jealousy from the host community. Some of these host community members, who are jealous normally leave their animals to stray and destroy the crops of the refugees. They sometimes threaten to reclaim their land even when the crops are not ready”. — Sultan

“When the conflict of destroying crops is done by the refugee animals the matter is sometimes handled amicably unlike with the case of nationals’ animals. The cases that are settled include if a refugee animal eats a fellow refugee's crops, they normally sit down, and give like a punishment, to the person. There is some amount of money paid, which I am not aware of. But now the challenge is when it is between refugee and the host community member. The host may not accept to pay because they say that refugees are already using their land”. — Maureen

#### **5.4.5 Conflict over use of natural resources**

Some interviews revealed conflict over use of natural resources between the refugee and host communities. Mercy reported how her family hired land near River Atu which is a fragile ecosystem. From the Waju III Focus Group, Gala reported there are no conflicts over use of the natural resources. However, this was contradicted by Amule who point out an incidence where a landlord purposely planted trees on land allocated to a refugee. Abdul expressed the need to lobby for support with regard to conflicts over natural resources. Women are hit most by the conflicts over natural resources, Ajonye reported how wood fuel for cooking is a challenge since both refugees and host depend on firewood and charcoal for cooking.

“My family hired land close to the river Atu and when it rains heavily it floods and our crops are submerged by the water destroying the crops. We are very close to the river, about four (4) meters away from the river”. — Mercy

“There are no conflicts over use of common resources for wood fuel and grass. we stay well with the nationals and use the firewood, grass together. we use the trees anyhow and have no disputes with the nationals”. — Gala

“There is a landlord who planted trees on the plots given to refugees. These issues are happening due to hunger and the land the landlords have now is not enough. The natives are not happy with what is taking place like planting trees on their land and not compensating them as before”. —Amule

“Conflict over natural resources, there is need to lobby for support for both the refugees and hosts”. —Abdul

“...I also face challenges while collecting firewood. when I hire land, that is where I pick some of the firewood from. A bundle of Firewood is between 1000-2000ugx, which I buy from the host. If it’s finished from the host, then I can buy from Yumbe district”. —Ajonye

#### **5.4.6 Cultural Bias towards hiring land.**

The informants were asked whether there is any cultural bias towards hiring land among refugee women. Interviews revealed from the Focus groups in Waju II and Waju III that cultural bias against women is less common these days. They gave the example of women not eating certain parts of the chicken in the days they were growing up, which is not as common in these days. Aleti and Richard said in relation to land there is no segregation between gender. Most of all the land in Koboko District is customarily owned by man, a key informant Anyole said that women still face challenges in hiring land because of the traditional beliefs that women do not own land.

“There is no bias in hiring land between men and women, but majority of the refugee women get involved in hiring land”. —Aleti

“There are no differences in hiring land, we are treated equally both male and female”. —Richard

“The challenge for women is that traditionally people believe land is owned by men, which makes them more comfortable to give land to men. When a

woman goes to ask for land, there is a likelihood that she is charged higher for the same piece of land than if it was a man, it's more of a mindset issue among the people. Women are sometimes offered the most difficult part of land to dig such that they either surrender. In the settlement you find most of the men are not there, they live the households or go to other camps or prefer to stay in the town. It is mostly women in these homes, they are aggressive and the drive to do this is always hampered by the gender issues, so basically, it's more difficult for the women compared to the men". —Anyole

### **5.5 Benefits of land access and management among refugee women.**

Majority of the interviews revealed there are some benefits from hiring land. However, the challenges that have been highlighted in the above section elaborate what refugee women go through in trying to use and manage the hired land. In using the land hired, the refugee women also take care of the land to ensure that they maximize the benefits from the land. Ajonye and Mercy revealed some of the benefits they get from hiring land. One of the local leaders Sultan also reported how the refugees manage their land well because they know the struggles they go through to hire, use, and manage the land.

"I sale some of the harvest from my hired plot to buy sugar, soap, silver fish. I then sale in small quantities to other refugees in the settlement. I have experienced a slight improvement in food consumption for my household since I now produce food and have enough food before the next season". —Ajonye

"In a good season I can get 150kilogrammes of beans. I can sale some of the beans, a kilogramme goes at 1,000ugx and I can get like 50,000ugx. Then the rest is kept for food". —Mercy

"(...) the refugees know that they have no land for farming since they left their lands back home. So, when they hire land for cultivation, they maintain the land. They spend so much of their time working on it such that they can recover the money they spent on hiring the land, since Congolese depend on farming for their livelihood". —Sultan

The picture below shows a traditionally made food storage facility, that is used by the refugees to store the surplus food harvested.



**Figure 9.** Shows a traditional food storage facility in one of the refugee homes.

### **5.6 Suggestions for improving access, use and management of land.**

Majority of the interviewees made suggestions for improving access, use and management of land to increase on food security in their households. These strategies include group formation to facilitate getting land in big quantities as reported by Ayikoru. Bako pointed out encouraging savings from the sale of produce to help in improving their well-being. Devine suggested the need to increase the monthly cash for food, to enable cater for other household needs.

“I prefer group formation to be able to get land for digging. Feeding is a challenge. Right now, I am in a group called ‘Idranigo’ Farmers Group that takes part in farming and savings supported by Associazione Centro Aiuti Volontari (ACAV), Community Empowerment for Rural Development (CEFORD), Joint Aid Management (JAM) to plant maize, tomatoes, egg plants on one acre”. —Ayikoru

“Encourage people to do savings in a group from the sale of the little produce from the land they are given. I am in three groups- ‘*idranigo savings group*’ whereby they do farm maize, and you pay some money

monthly 2000ugx and social fund 500ugx, you borrow without interest for emergency, we buy our inputs like seeds, we hired 3quarters of land at 25,000ugx, the group is made up of 30 members(26women,4men). The other group is ‘*CEFORD Savings group*’ we pay 5000ugx and social fund 500ugx and lastly ‘*JAM Farming and saving*’ we farm maize and greens and are given inputs and skills. Being in the groups has helped improve my feeding, I am able to learn saving skills, and used the saving to buy farm inputs”. — Bako

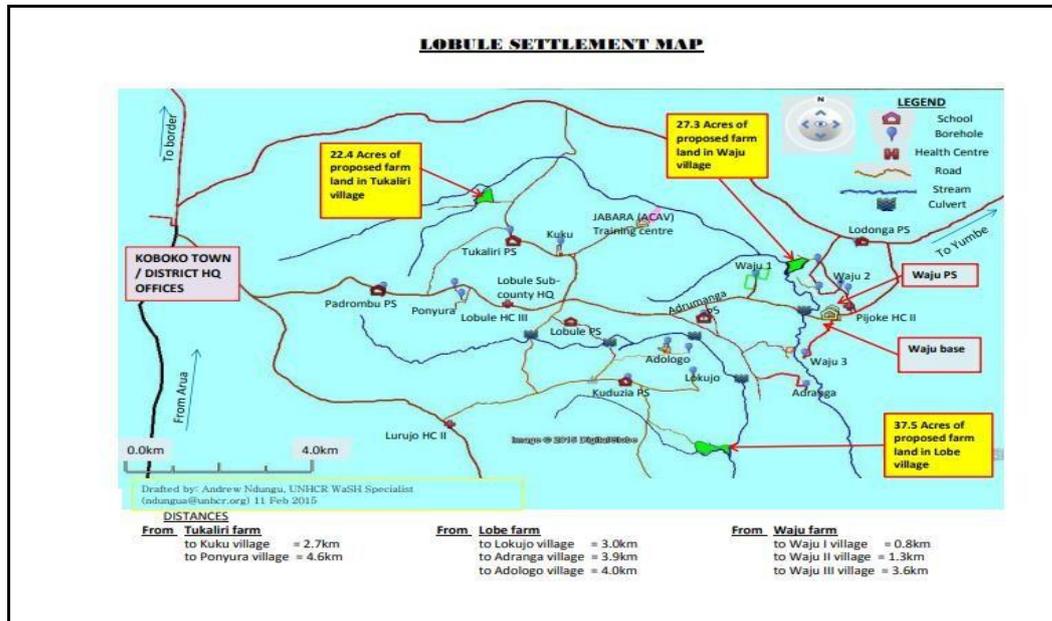
“They should increase the money for food ratio so that I can use the other for hiring land and the rest to feed my family at least to 30,000ugx. Even this is not enough because if you go to the market, it can be finished at that very moment. Training in tailoring and later given sewing machines in each cluster and support us with knitting materials or handcrafts”. — Devine

“There are communities that have been able to access block land as a group. I know a group in Waju II that have been able to access land. I think in the last season they cultivated up to 6 to 7 acres of rice production with quite some good harvest. The land was offered by one of the host community members. One of the host community members was co-opted into the refugee group and he now offered land for that group”. — Anyole

Office of the Prime Minister together the Local Governments and some implementing partners in Lobule Refugee settlement have tried to look for more land for farming. The purpose is to improve food security among the community, however the process of acquiring the land has not been concluded. Key informants Daniel and Sharon emphasized the need to acquire more land by OPM to allocate to the refugees for farming. Daniel working in Lobule refugee settlement provided a sketch map indicating the proposed farmlands in Lobule sub-county. The land was to be acquired OPM and UNHCR to facilitate farming in the refugee settlement.

“United Nations High Commissioner for Refugees (UNHCR) needs to lobby for land for refugees from the host community to dig by encouraging them to be in groups. World Food Programme (WFP) in 2020-2021 asked them to look for land where tractors were brought, and community given seeds for example about 10acres of land were used. The agreement was in such a way that the Landlords would benefit from 3 acres and refugees 7acres of land”. — Daniel

“...Land has been given for farming by host community measuring about 200acres. Office of the Prime Minister (OPM) has still failed to get the land. Refugees should be in groups that is Joint venture with nationals to be supported by partners. Women in Kuku and Adologo clusters engaged in group farming and are doing very well”. — Sharon



**Figure 10:** Shows a layout of the proposed farmlands given by Lobule community to facilitate farming among the refugees (Source: Ndungu Andrew, UNHCR WASH specialist 2015)

## 5.7 Chapter Summary

In this chapter, the findings from the individual interviews, focus groups interviews and observations are presented. The findings reveal the factors that influence land access and use among refugees, include environmental, institutional, economic, and social factors, and are interrelated. Secondly, refugee women’s access to land is by allocation from OPM or using cash transfers. The source of the cash transfers is either from UNHCR or participating is casual paid labour. There are price variations in hiring land since how much a refugee should pay is at the discretion of the customary landowner. The organizations operating in the Lobule refugee settlement have no influence over the amount paid to hire land. Thirdly, refugees encounter challenges during the process

of hiring land, using, and managing the land. Lastly, benefits of hiring land and suggestions for improving land access, and management are presented. In the following chapter, the findings from the conceptual framework on Land rights for refugee women are discussed in relation to the three research questions of the research study presented in Chapter 1.

## CHAPTER 6: DISCUSSIONS AND CONCLUSIONS

### 6.1 Introduction

In this chapter, I discussed and drew conclusions on the findings to reflect the research questions. These research questions are discussed within the context of the discourse, theoretical and conceptual framework in chapter 3. In this research *land access and management rights* shall mean the institutional and social arrangement(s) that influence refugee women to get and manage land in an environmental way without affecting the benefits of the land for future generations. *Beyond the settlement area* shall mean an area or land that was not given by OPM to the refugees for their settlement or livelihood within the host community. It shall also mean the land hired from the customary landowners by the refugees for farming.

The conceptual framework on land rights is used to examine how the social and institutional structures, social-ecological conditions, refugee vulnerability and refugee outcomes affect refugee women in Lobule refugee settlement. The findings of the study intend to answer the research question which are as follows:

1. What are the factors that influence access to land by refugee women in the settlement area?
2. How do refugee women get access to and use of land in the settlement area?
3. What are the implications of land access and management to refugee women in the settlement area?

In analysing the result there were four trends that appeared from the data. The first trend was: there are environmental, economic, institutional, and social factors that influence refugees' women to search for land beyond the settlement area or in the host community. Secondly, for the refugees to get access and use of land from the customary landowners they use cash transfer. Most of the terms of hire are verbal agreement. Thirdly, the challenges they face in access and use of land. Finally, the benefits from hiring land, and ends with the researcher's thoughts and recommendations for future research.

## **6.2 What are the factors that influence access to land by refugee women in the settlement area?**

The section discusses socio-ecological, economic and the institutional factors as influences on land access among refugee women in Lobule Refugee settlement as revealed by the findings presented in Chapter 5.

### **6.2.1 Social- ecological factors**

Social-ecological systems are integrated complex adaptive processes which are coupled and interdependent, with each being a function of the other, as evidenced in a series of mutual feedback relationships (Berkes et al., 2008; Folke, 2006). Land resources are critical for attaining many global ambitions for the sustainable development goals (UN, 2021). Ostrom introduced the social-ecological systems (SES) framework that provides guidance on how to assess the social and ecological dimensions that contribute to sustainable resource use and management across scales and contexts. The subsystems that make-up SESs can function independently, such as governance systems, users of a system, and the units produced by the system, but then join to produce complex social-ecological systems (Ostrom, 2009). Social and ecological subsystems are linked by mutual feedbacks and are interdependent and co-evolutionary. These integrated systems of humans and environment provide an appropriate unit of analysis (Berkes, 2017).

Refugees' presence for over 9 years in Lobule refugee settlement has affected access and use of land and natural resource. The inadequate social and institutional governance structures, lack of regulations and political agreements play a role facilitating the deteriorating refugee-host community relationship (Habib, 2022; Khawaldah & Alzboun, 2022). Previous research shows that refugee presence has impacts and causes pressure on clean water, energy, and environment in the hosting community (Bappa et al., 2022; Rahaman et al., 2022). The refugee influx in Koboko district has increased the population while environment and natural resources remain the same. This trend causes major environmental effects associated with utilization of natural resources (NEMA, 2019b). However, despite the negative consequences associated with the presence of refugees, some positives have been reported in Lobule sub-county. As expressed in John's statement, "Refugees bring developments to the district like, Padrombu seed secondary school, Waju primary school and Pijoke Health Centre III" that were started as a result of refugee's

presence in Lobule sub-county besides the road infrastructure in the sub-county has also improved.

The demand for more land by the refugee women is triggered by the needs of their household. Their need for food and income to supplement their monthly food ration allocation from UNHCR. The need to sustain their households with the given land from OPM will be difficult in their protracted situation. Interviews revealed the land allocated to the refugees by Government of Uganda is small and cannot sustain their food need and increasing household sizes. Majority of the interviewees agreed that the land given is not enough, so they hire land as an alternative from the host community. As noted earlier for instance when Ajonye said ‘My land is 35mx35m, I built a house and cultivate maize on it. Land is not enough so I hire land as an alternative from the host, and I have planted maize’. Beside the size of land, some informants complained about the fertility of the soil. For instance, Bako said, ‘I am a resident of Waju III, the piece of land I was given is not fertile, my plot is waterlogged during the rainy season and sandy that is why I hire land across River Atu’. A study showed that refugees receive temporary plots of up to 30m by 30m and are not allowed to grow perennial crops, which would represent a long-term agricultural approach. This is because the refugees are presumed to be temporary (Bjørkhaug, 2020; OPM, 2020). Similarly, the study findings revealed that refugee women hire plots and are only allowed to grow short-termed crops. Therefore, their temporality does not allow them to engage in sustainable land use and management practices.

Refugees acquire land because of 9years of trust building with the host community. Findings revealed that some of the refugees have been able to get land based on mutual understanding from the landowners. In other words, because of the relationships created, the landlords are understanding and patient when receiving payments for the land the refugees hired under the circumstances. As discussed in chapter 5, Samson and Dawa confirm they have good relationships with their landlords. Moses a Landowner said, ‘.... when refugees fail to pay (...) the agreed amount of money for the hire of land on time, we understand ourselves. we have been experiencing hunger this season and we don’t have money’.

Moreover, ethnolinguistic connections between refugees and host community facilitate easy access to and use of land. The ethno-linguistic proximity is associated with more positive attitudes. The refugees in Lobule speak the same language with the host

community (Ansar, 2021; Betts et al., 2022). These ethnolinguistic connections are related to samson's statement, "You can't differentiate whether this is a refugee or national because we speak the same language and then we intermarry each other. You find that some Ugandans are married to Congolese and Congolese married here, so we have in-laws everywhere". Since refugees and host speak the same language, it makes interaction easy with the landowners. The landowners then make verbal agreements with the refugees since they speak the same language. This is because of the mutual trust and understanding created. In land transaction where there is inadequate formal documentation of rights, oral testimonies may be accepted as proof of land rights (Jacoby & Minten, 2007; Unruh, 2002). The relationships created between the landowners and refugee women influences how much they pay to hire land. In this context, land acquisition is closely correlated to social structures in which refugees find themselves. The concept of social structure is closely related to social relationships that is an important component in society (Barnard & Spencer, 1996; Karim, 2016). Scholars in the sociologist discipline have used the concept of social structure to mean social interaction and social activities in a society or community contexts. The ethnolinguistic relationality illustrate that refugees use social structuring processes as gateways to land acquisitions.

### **6.2.2 Economic Factors**

A number of studies have looked at the economic and environmental effects of refugee hosting communities (Fajth et al., 2019; Porter et al., 2008; Whitaker, 1999). Moreover, locals argue that economic and social support given to refugees plays a key role in reducing and preventing conflict between the two groups (Fajth et al., 2019).

Most refugees are considered poor which results to their vulnerability. According to the World Bank (2018) poverty is defined as a multifaceted notion that includes low income and consumption, poor educational accomplishment, poor health and nutritional results, a lack of basic services, and a hazardous living environment (Bank, 2018). Many of the extremely poor households live in rural areas and rely on agricultural production for a living (Gassner et al., 2019). To improve long-term food security and alleviate poverty, agricultural production systems are expected to be more productive and reduce output variability in the face of climate extremes (Adetoro et al., 2022).

Refugee vulnerability due to Poverty is one of the factors driving them to seek agricultural land to generate income to meet other household needs. Studies have shown how refugees

are vulnerable to poverty. About 48% of the refugee population are living in poverty, compared to 17% for the hosts. Poverty among refugees is highest in the West Nile region where close to 60% of refugees are poor and around 30% of hosts are poor (World Bank, 2019. ). Majority of the refugee informants reported that they engage in farming to get money. In her statement Aleti she said, "...as women because of poverty, we cannot engage in other businesses-like knitting, retail shop, tailoring and so farming is easy for them". Although hiring land requires money, it is not that much compared to starting the businesses she mentions.

Majority of the interviewees report that availability of cash for food has caused them to go and seek for land beyond the settlement. Mercy said "I receive 22,000ugx per month for food which is small for me. I have to hire the land with money and yet there is no money, but I struggle to look for it in order to get land. I hire land for planting maize so that I can sale the harvest to get money". Since the refugees pay money to hire land it provides an income to the landowners. The refugees are also paid for providing labour within the host community. This positively contributes to the local economy of Lobule refugee settlement.

The refugees reported that they seek land from the host community because they have received business and farming skills for income generation. Through the business skills refugees have acquired, they realise that they can make extra income through farming which triggers them to seek land to engage in farming. With the prospect of selling the extra harvest to earn an income. The farming skills enable them to use the allocated land and hired land in a proper way. Amule confirms that "I have received training on income generation, and farming skills from different implementing partners like ACAV, CEFORD, JAM, HADS, WFP".

### **6.2.3 Institutional factors**

The Government of Uganda through its policies and laws facilitate activities in Lobule refugee settlement. Institutional structures enforce the rights to access, withdrawal, management, exclusion, and alienation as well as grant such rights to resources users. "*De jure rights*" are the lawful recognition by formal, legal instrumentalities while "*De facto rights*" are property rights that originate from resource users who cooperate to define and enforce rights among themselves (Schlager & Ostrom, 1992). The organizations such as

Office of the Prime Minister (OPM), Local Government (LG), United Nations High Commissioner for Refugees (UNHCR), Humanitarian Assistance for Development services (HADS) and other NGOs working in Lobule refugee settlement. They are very valuable in facilitating access, use and management of land resources for the refugee community.

They also play a coordination role, provide security, sensitize the community and community policing as discussed in chapter 5. Anyole for instance noted that “One of the cardinal roles that I play is ensuring that the plans of the refugees are integrated in our sub-county development plans. And when we usually conduct village meetings, we ensure the refugees needs are integrated”.

In the case of land conflicts, OPM and the local government are the mediators on conflict resolution. As stated by Daniel, “Office of the Prime Minister comes in when there is a conflict on land issues... the issues are talked about in community dialogue meetings or through livelihood programmes”. However, institutions have no influence over the cost being charged by the landowners on hire of land by the refugees. The land is customary and therefore the state can only play a role in ensuring sustainable use and management through sensitizations as discussed in chapter 5. Anyole said that “The subcounty does not really influence how much landlords will charge for hire of land”. The Land Tenure and Property Framework looks at conflict resolution as one of the interventions though this study focused more on the institutions and the legal frameworks. Institutions are the rules and norms that mediate how humans interact with one another and the environment, or rules-in-use, provide a key link between the social group and its resource base (Ostrom, 1990). Sustainable Development Goal (SDG) 15, which is Life on land calls for society and organisations either formal or informal to sustainably use the land resources.

The research findings point to the fact that the factors influencing refugee women’s access to land are social, environmental, economic, and institutional. These relate to the land rights for refugee women (LRRW) conceptual framework that highlight customary owners and organisations as facilitators in providing processes of land access, among refugee women. Secondly, the challenges of allocation of unproductive and infertile land, and use of the same piece of land over a long period affects crop yields creating food insecurity. Lastly, informants mentioned implementing partners like JAM, ACAV, and HADS in the Lobule refugee settlement provide them trainings on farming practices which is a good practice for sustainable land resources use and management.

### **6.3 How do refugee women get access to and use of land in the settlement area?**

Land is allocated to refugees by the government of Uganda under the CRRF. The government of Uganda is a proprietor who authorizes how refugee women may access and use, however, they do not have the right to alienate either of these collective choice rights (Schlager & Ostrom, 1992). The Government of Uganda was given land by the customary landowners in Lobule sub-county to establish Lobule refugee settlement. The landowners therefore grant government access and use rights though government makes the laws and has management and exclusion rights over the land. The challenge with Uganda policy of land distribution to refugees is that it uses community land for the refugees in West Nile region, whereas in South-Western Uganda it is government gazetted land (Moyo et al., 2021).

#### **6.3.1 Access to land from the customary landowners.**

Over 75% of all land in Uganda is customarily owned and is not covered by formal documentation (Busingye, 2002). In Koboko District that hosts Lobule refugee settlement the percentage of customary landowners is not known since there is no documented data available. As discussed in chapter 5, the land belongs to customary landowners. So, it is very difficult". Customary landowners are individuals who have collective choice rights of management and exclusions as well as the right of alienation that is they can sell or lease their collective-choice rights (Schlager & Ostrom, 1992). The land Act 1998, Section 2 provides for landownership in accordance with different tenures systems, see chapter 2 on legal and institutional framework for land management in Uganda. Samson said "When government engages landowners to give land, then that's when refugees can plant. We feel like we should replace the trees we have destroyed. But you find that we are on customary tenure land. This land is customary tenure the government has no land here. The land belongs to the people". Alienation is also a collective choice right allowing its holder to transfer part or all of the collective-choice rights to another individual or group (Schlager & Ostrom, 1992). The alienation rights are stipulated in the Uganda Land Act 1998 (with amendments).

Exclusion rights are the right to refuse others access to and use of a resource. This is a collective choice right authorizing its holders to devise operational-level rights of access. Individuals who hold rights of exclusion have the authority to define the qualifications that individuals must meet in order to access a resource (Schlager & Ostrom, 1992). This means

that the hired land from the customary landowners does not exclusively belong to the refugee women.

As discussed in Chapter 5 the land agreement refers to the given land with clear terms and conditions was not seen by the researcher as requested for from either the sub-county or District. However, there are some complaints from the landowners in relation to unfulfilled commitments from Office of the Prime Minister (OPM). One of the Landowners Ismail said, “When the refugees came, the (...) District Chairperson and sub-county chairperson came to us. We accepted to accommodate the refugees but asked the leaders how we were going to receive help from this arrangement? We the landlords willingly gave the refugees the land for free so that they could be given food ratio as landlords. Nothing has been given to us by UNHCR since the refugees came and the landlords wish refugees to leave their land”.

Refugees do not have any alienation rights over the land they hire from the customary landowners. Section 3, sub-section (1) (e) applying local customary regulation and management to individual and household ownership, use and occupation of, and transactions in, land (Land Act, 1998). The Land law allows landowners to transact on their property, but it makes no mention of the minimal fee per parcel. This gives the landowner the authority to decide how much money to charge the refugees for the use of their land through hiring.

Leasehold Tenure is land which a landowner allows another person to take exclusive possession for a specific period of three years or more in exchange for rent. A lease may be created either under a contract between the parties or by law. The person granted a lease must use the land for the specific purpose as agreed with the landowner (Section 3(5) of the Land Act). The refugees do not have any written contract over the they access from the customary landowner. The duration of the hired land which is usually six months to one year as presented in Table 3, does not qualify for the agreements made between the landowners and refugees to be termed as leasehold tenure. The land agreements are verbal between the refugees and landowners which cannot be categorised as formal leasehold tenures according to the Uganda land law. Samsom confirms this in his statement “...now the arrangement is made verbal with two witnesses from refugee side and landlord side. we feel safe with the arrangement and landlord acts as the security”.

In Uganda the land Act provides for the Rights of women, on customary land as stipulated in Section 27 (Land Act, 1998). The provision protects the refugee women if they wish to

access and use land from the customary landowners. Section 40 of the Land Act permits refugees to own land under leasehold tenure. As expressed by Aleti and Richard there is no segregation between women and men in relation to hiring land from the customary landowners. Aleti said “There is no segregation in renting land between men and women, but majority of us women are the ones renting the land”. However, Anyole said women are still side-lined by some landowners who charged them slightly more or they are allocated hard to dig pieces of land. This is discussed in Chapter 5 under cultural bias as a challenge for land access and use among refugee women.

### **6.3.2 Access to land using cash transfers.**

UNHCR uses cash transfers to provide protection, assistance, and services to vulnerable displaced persons. Cash transfer programmes (CTP) is used interchangeably with Cash Based Interventions, Cash Bases Assistance, and Cash and Voucher Programming (CaLP, 2019). In Lobule refugee settlement, UNHCR is implementing the Cash Based Interventions (CBIs) in which cash or vouchers for goods or services are provided to refugees and other persons of concern on an individual or community basis. It does not include cash or vouchers provided to governments or other state actors or payments to humanitarian workers or service providers (UNHCR, 2016).

Cash transfers empower refugee women to prioritize and meet their needs. Cash transfers play a significant role on refugees’ welfare in Uganda (Okech, 2019). However, the study by (Okech, 2019) did not establish how cash transfers are used for hiring land in host communities. Besides the study used the contingency theory unlike my research study that is anchored on Ostrom’s bundle of rights theory and the LTPR framework.

As discussed in chapter 5, refugees use cash transfer for food ratio to hire land. Each refugee is given a monthly food ratio cash allocation of 22,000ugx (twenty-two thousand Uganda shilling) and 122,000ugx for the elderly persons households. Samson a local leader confirms this in his statement “...Each refugee within a household gets 22,000ugx and the elderly are given 122,000ugx every month”. Mercy says the cash transfer helps her in hiring land beyond the settlement, “I receive 22,000ugx per month for food which is small for

me. I have to hire the land with money and yet there is no money, but I struggle to look for it in order to get land. I hire land for planting maize so that I can sale the harvest to get money”. Besides, using the cash transfer some refugees said they engage in casual labour to meet their food needs as well as getting money to hire the land. As discussed in chapter 5, Ayikoru and Mercy engage in casual paid labour. Mercy said “I do casual labour like digging. The presence of refugees in Lobule sub-county implies that the host community can now easily find cheap labour to work on their agricultural fields.

### **6.3.2 Use of land**

The Refugee Act 2006, Section 29 states the rights of refugees while in Uganda; sub-section (iv) the right to engage in agriculture, industry, handicrafts, and commerce and establish commercial and industrial companies in accordance with the applicable laws and regulations in force in Uganda (Refugee Act, 2006). The right to engage in agriculture provide the refugees the right to go out and hire land to meet their food needs from the customary landowners. As discussed in Chapter 5, majority of the refugees use the plots allocated to them by OPM for the construction of houses, sanitation facilities, kitchen gardens, and the planting of fruit trees given by HADs. A key informant confirms the use of land allocated by OPM. Daniel said “The refugees use the land to build houses, kitchen gardening, and as children...grow up and get married, they separate the land and share among themselves. The Energy and Environment department of HADS supply fruit trees to refugees and they are encouraged to plant on their plots in the settlement”. Majority of the refugees hire land beyond the settlement mainly for farming in order to meet their food needs (see. chapter 5, Table 3).

The research findings point to the fact that majority of refugee women use their social interactions and relationships within the host community to access and use land. Therefore, in seeking land beyond the settlement. it does not matter whether you are male or female with regard to hiring land, because both are treated equally. The land-acquisition process in Lobule community has reconstructed the traditional customs, norms and biases of women accessing and using land based on patrilineal or social connections/relations. Besides they use cash transfers, Table 3 shows the different prices they pay for land, crops grown and the duration of hire among refugees in the settlement area. Refugee women pay cash to the customary landowners who grants them the land access, use and management

rights. Since the cost of hiring is expensive and more than the monthly cash transfer allocation, there is need to increase the amount given for food ratio.

#### **6.4 What are the implications of land access and management to refugee women in the settlement area?**

The implications of land access, use and management to refugee women in the refugee settlement area are both positive and negative effects. The incentive effect of secure rights in land and control over its produce can motivate farmers to invest in land (Agarwal, 2003). Management rights among refugee women involve planting, maintaining, and harvesting crops within the hired land. regulate internal use patterns and transform the resource by making improvements. Refugee women are granted management rights by the landowners but they can determine how, and when harvesting from a resource may occur, and whether and how the structure of a resources may be changed (Schlager & Ostrom, 1992). Babarinde (2014) posits that women are better positioned than men to be the leaders of sustainable land use and management because of their strategic roles in society as educators, managers, and protectors of the environment. Therefore, if provided with access to land, and secure tenure it can contribute to quick restoration and their empowerment (Babarinde, 2014).

The management rights on the hired plots, allow refugee women to make some improvements on the land based on their agreement with the landowners. This implies they spent a lot of their time preparing the land. Because they pay to hire land, they must maximize the value from using the land. Sultan said “(...) the refugees know that they have no land for farming since they left their lands back home. So, when they hire land for cultivation, they maintain the land. They spend so much of their time working on it such that they can recover the money they spent on hiring the land, since Congolese depend on farming for their livelihood”.

The benefits of hiring land for farming. This is an incentive to support their households. Ajonye reported, “I sale some of the harvest from my hired plot to buy sugar, soap, silver fish. I then sale in small quantities to other refugees in the settlement. I have experienced a slight improvement in food consumption for my household since I now produce food and have enough food before the next season”. However, though there is slight improvement

in food for the household, there are no secure land access and management rights because of the uncertainties.

The incomplete land commitments by OPM to the customary landowners. As discussed in Chapter 5 indicate that if not well managed will have negative consequences on the refugee women land access in the host community. This will affect the relationship between the refugees and nationals. For instance, the unresolved land conflict in waju III among the landowners makes some of the refugees to rent from the neighbouring yumbe district and villages. Edward a resident of waju III expressed this in his statement “In waju III landlords are stubborn, there is no peaceful coexistence between them and the nationals that’s why some of the refugees hire even in Yumbe district and other villages like Adranga. If I had enough money, I would hire more than three quarters”. Besides, Peter said, “Office of the Prime Minister (OPM) should give the nationals their share. The share of the landlords should be paid by OPM because their agreements have not been honoured. Alternatively, OPM should look for another land for the refugees”. The interviews revealed that OPM has not fulfilled its commitments with the customary landowners as reported, there is need for them to streamline the land offer terms with the landowners. The Land Act 1998 is very clear about how customary land tenure should be managed. This need to be well handled to ensure security and protection of the refugees,

As presented in chapter 3 Table 3 refugees are granted between 6months to 2years depending on their agreement with the landowners. This implies that due to the limitation in duration of hire and inadequate agricultural technologies, farming is done without any long-term interventions in place. Interviews revealed that refugees are only allowed to plant short-term crops on the hired land. Dawa and Akulia said they are only allowed to plant one crop at a time. Planting a variety of fruit trees or any other tree species on the hired land is not permitted. If you wish to plant more than one crop, then you have to agree with the landowner by paying more money. Bako said “Hiring is not easy when you plant beans and want to plant simsim you are asked to pay more money. The argument for the refugees to intercrop is to maximize the use of the hired piece of land and also increase on the food produce. Intercropping can reduce the land area required to produce a given amount of food (Li et al., 2020).

Poor crop yield because of changing climate. The challenges of poor crop yields reported by Gala, Ajonye, and Amule due to the changing climate needs to be handled by the

different stakeholders. Despite the cost of hiring and time spent planting crops, occasionally losses occur creating food insecurity. Uganda's self-reliance approach is based on land allocation. The refugee farmers experienced decreasing fertility of their land which has profound impacts on agricultural outputs and their livelihoods (Omata, 2022). Therefore, in order to prevent instances of food insecurity and hunger, which were reported in 2021 Lobule sub-county, local based solutions to improve crop yields due to excessive land use and shifting weather patterns need to be implemented by different stakeholders within the community.

Disagreements with landowners over stray animals that destroy their crops need to be addressed by the different stakeholders. The interviews revealed since most of the hired plots are far away from the settlement plots, stray animals destroy refugee women crops. This then makes it difficult to manage the issue of stray animals. A local leader Sultan in his statement about stray animals said, "There is jealousy from the host community. Some of these host community members, who are jealous normally leave their animals to stray and destroy the crops of the refugees. They sometimes threaten to reclaim their land even when the crops are not ready".

Encroachment on fragile ecosystem as discussed in chapter 5, revealed that some refugees have been given land near River Atu which comes with negative impacts especially when it over rains causing flooding and destroying their crops. Mercy confirmed this in her statement "My family hired land close to the river Atu and when it rains heavily it floods and our crops are submerged by the water destroying the crops. We are very close to the river, about four (4) meters away from the river". Land ownership has been identified as a barrier to sustainable farming practices (NEMA, 2019a). A study conducted by National Environment Authority revealed how refugee influx has led to encroachment of conserved areas and fragile ecosystems for both food production and other livelihood and economic activities including sand mining, stone quarrying, charcoal production, gardening among others (NEMA, 2019b). The Government of Uganda states that environmental control measures need to be intensified to halt the decline in soil fertility caused by the current farming practices (G.O.U, 2007). Land Act Section 44 stipulates the Control of environmentally sensitive areas (Land Act, 1998). The implications of the use of fragile ecosystems like farming on the riverbanks is an indication that the local environment committees are weak or lack capacity to enforce the environmental laws and regulations or

they are comprised by the landowners. These activities have long term effects on sustainable natural resources use within the host community.

Refugees and host communities use land and related resources to meet their basic needs. Agriculture is the main sources of survival for the refugees and host communities in the settlement area. The use of land resources results into land cover changes and environmental losses. In 2015 a Danish Refugee Council (Chuma et al., 2022) baseline report revealed that in West Nile alone, a total of 1,110,792 trees had been cut between July 2014 and July 2015 , whereas only 4,987 were replaced (NEMA, 2019b).

As expressed by Sharon, “...Land has been given for farming by host community measuring about 200acres. Office of the Prime Minister (OPM) has still failed to get the land. Refugees should be in groups that is Joint venture with nationals to be supported by partners. Women in Kuku and Adologo clusters engaged in group farming and are doing very well”. As a result, the existing organizations must expedite the process of acquiring farmland from the host community in order to avoid land fragmentation, which has negative consequences. Majority of the interviewees suggested the need for group farming in order to get more produce. The intervention will ease the challenges, they face as individuals in getting land for farming. Ayikoru in her statement said, “I prefer group formation to be able to get land for digging. Feeding is a challenge. Right now, I am in a group called ‘Idranigo’ Farmers Group that takes part in farming and savings supported by Associazione Centro Aiuti Volontari (ACAV). Community Empowerment for Rural Development (CEFORD), Joint Aid Management (JAM) to plant maize, tomatoes, egg plants on one acre”. Weak governance and other interlinked factors accompanied by weak laws, lack of formal documentation in customary land rights make land acquisition extremely insecure for refugees and this can be a major cause of disputes, litigations, and violent conflicts (Kalabamu, 2019). Therefore, organizations must endeavour to have formal documentation especially, on customary land where their land rights are limited to only exclusion rights.

As discussed in chapter 5, on cultural bias towards hiring land among refugee women. Interviews revealed from the Focus groups in Waju II and Waju III that cultural bias against women is less common these days. Aleti confirms this in her statement “There is no bias in hiring land between men and women, but majority of the refugee women get involved

in hiring land”. Richard also states, “There are no differences in hiring land, we are treated equally both male and female”. Women’s vulnerability in context of land access is seen when prevailing legal, institutional, religious, and/or customary systems do not accord women the same rights as men, and women derive access primarily through men (USAID, 2013). However, in the case of the refugee women in Lobule refugee settlement, the women and men have equal rights to hire land.

The research findings point to the fact that access and use rights to land have implications on management rights among refugee women in Lobule refugee settlement. The management rights are limited to the hired land. There are no sustainable land use and management practices that can be properly implemented because of the uncertainty and unclear terms of hire. If they hire land, they prepare the land before planting and keep taking care of the land until they harvest their crops. The cost of planting another crop is also a barrier for most refugees since you have to pay more money for any additional crop to be planted. Since planting more than one crop requires more money, then intercropping as an intervention for land management is limited among refugee women. Due to the changing weather conditions as revealed by the interviewees the crop yields are poor. Despite the training on framing practices. There are limitations in using traditional tools and farming methods. Refugee women are faced with challenges like stray animals that destroy their crops and lack of compensation from the owners of the animals. The conflicts as a result of stray animals as mentioned by majority of the interviewees need an integrated approach. Finally, group farming was suggested as a means to increase food security within the refugee settlement. This was compared to their Village saving schemes in which they participate.

## **6.5 Conclusions and Recommendations for further research**

This research investigated the role of social and institutional structures in land access and management among refugee women in Lobule refugee settlement of Koboko district. Through the modification of conceptual framework Bundle of Rights Theory and Land Tenure and Property Rights (LTPR), the author developed the Land Rights for Refugee Women (LLRW) framework to understand refugee women access to land in the settlement of Lobule refugee settlement. The framework is subdivided into refugee vulnerability, refugee women land rights, social structures, institutional structures, and refugee outcomes and Policy frameworks. Through the CRRF, OPM is mandated to allocate a

minimum of 25m-by25m, however many scholars have written about how insufficient these pieces of land allocated to refugees are (Berke & Larsen, 2022; Easton-Calabria, 2022), and let alone issues of land productivity as allocated pieces of land have sandy soils that barely support meaningful engagement in farming. Because of the above identified issues, refugees go beyond the settlement boundaries to seek land for farming among the host community. There is lack of empirical evidence on the challenges that refugees face in accessing land beyond the settlement. In this thesis, I have attempted to provide empirical information on refugee access to land beyond the settlement boundaries. The findings illustrated that refugees trade their cash transfers to hire land. Secondly, contrary to common perception that land acquisition is gender biased and influenced by cultural and social norms, the finding of this research attest that gender and prejudices do not influence refugee women's access to and use of land. However, what was most intriguing in the findings is the fact that, the temporariness of land hire compromises productivity and sustainable engagement in farming. This is because most of the interviewees argued that landowners are at discretion to end land hire agreements at will without prior notice. Therefore, in this thesis the major argument is that government and other international partners should strive to have a holistic approach that caters to incorporate refugee land rights. Ensuring that refugee land rights are respected come with benefits as argued, by Long (2022) improving land use rights and functions may enhance the economic function of rural land, (Long, 2022) like lobule sub-county.

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## APPENDIX 1: List of Research Participants

Key Informant interviewees **Note:** All names are pseudonyms.

CODE	Name	Age	Gender	Organisation	Date of interview
KII 1	Daniel	58years	M	OPM	20.07.2022
KII 2	Sharon	62years	F	UNHCR	20.07.2022
KII 3	Maureen	32years	F	HADS	21.07.2022
KII 4	Sharifah	43years	F	UNHCR	21.07.2022
KII 5	Samson	70years	M	UNHCR	22.07.2022
KII 6	Atiku	40years	M	Mijale village, Lobule subcounty	22.07.2022
KII 7	Sultan	48years	M	Lobule Sub- County	29.07.2022
KII 8	Anyole	36years	M	Lobule Sub- County	11.08.2022

<b>Individual Interviewees</b>					
S/No.	Name	Age	Gender	Position	Date of interview
1.	Mercy Aate	36years	F	Refugee	22.07.2022
2.	Ismail	44years	M	Landowner	25.07.2022
3.	Moses	38years,	M	Landowner	25.07.2022
4.	Ayikoru Jane	71 years	F	Refugee	26.07.2022
5.	Edward wayi-	29years,	M	RWC member	26.07.2022
6.	Ajonye Aisha	45years,	F	Refugee	29.07.2022
7.	Bako Charity-	63years,	F	Refugee	02.08.2022
8.	Rashida Adiru	45years,	F	Refugee	02.08.2022
<b>Focus Group in Waju II (Female headed household) Date of interview: 15<sup>th</sup> August 2022</b>					
9.	Dawa Abiria	63years,	F	Refugee	
10.	Akulia Vera	54years	F	Refugee	
11.	Ariye Ide	40years	F	Refugee	
12.	Aleti Salama	47years	F	Refugee	
<b>Focus Group in Waju III Date of interview: 16<sup>th</sup> August 2022</b>					
13.	John Aloro	44year	M	Refugee	
14.	Peter Ayume	45years,	M	Refugee	
15.	Abdul Siraji	74years,	M	Refugee	
16.	Amule Francis	65years	M	Refugee	
17.	Richard Moro	54years	M	Landowner	
18.	Gala Raymond	64years	M	Landowner	

## **APPENDIX 2: Interview Guides**

### **Key Informant Interview Guide**

#### **Background Information**

Name.....  
Year of Birth.....  
Name of Organisation.....  
Telephone Contact or Email Address.....

#### **General information**

1. Briefly tell me about your organisation and the role it plays in the refugee settlement.
2. How does your organisation interact with refugees in the settlement?
3. What role did your organisation play in finding land for the establishment of Lobule refugee settlement?

#### **Refugee Land access and management rights**

4. What kind of rights do refugee women have over land given to them in the settlement? How do you think this has affected their livelihood?
5. Are you aware of any other practices/arrangements through which refugees access land outside the refugee settlement? Please explain.
6. What role does your organisations play in helping refugees access, use and management of land beyond the settlement area.
7. What barriers hinder refugees access, use and management of land beyond the settlement area?
8. What affects the use and management of land by refugee women beyond the settlement area?
9. What best practices has your organisation considered for refugee's land use and management rights beyond the settlement area.

## **Individual Interview Guide**

### **Background information**

1. Name .....
2. Year of Birth.....
3. Household Head.....
4. Size of Household.....
5. Village.....  
Parish.....

### **General Information**

6. How long have you stayed in the refugee settlement?
7. What kind of income generating activities are you involved in within the settlement?
8. What is the size/area (Hectares/acres) of land you were given?
9. How do you use and manage the land that you were given? Is the land adequate to meet your household needs?

### **Land access and management outside the settlement area**

10. If no in question 9, what alternatives do you have to meet your household needs?
11. What challenges do you face with regard to use and management of land beyond the settlement area.
12. What are the formal and informal arrangements you are aware of in the host community with relation to getting land?
13. Have you tried to access land in the host community? If yes, how did you get the land?
14. Please, tell me about your experiences with accessing land in the outside the settlement area?
15. What is the size of land you got outside the settlement and what conditions influenced you to look for land beyond the refugee settlement?
16. How do you take care of the land you get from the landowners?
17. What are some benefits in accessing and using land beyond the settlement area?
18. What barriers/challenges did you face in accessing land from the host community?  
How did you overcome these barriers?
19. Did you receive any help from any organisation or individual when you were trying to access land from the host communities? If yes, please explain?

20. What are your suggestions for refugees to successfully access and manage land outside the settlement?

### **Landowners interview Guide**

#### **Background information**

1. Name .....
2. Year of Birth.....
3. Household Head.....
4. Size of Household.....
5. Village.....  
Parish.....

#### **Knowledge on Land ownership**

6. How much land do you own in acres or Hectares? Is your land registered according to the laws of Uganda?
7. Are you aware of the forms of land ownership in Uganda? If yes, explain.

#### **Land access and management among refugees**

8. How much of your land have you given out to the refugees?
9. What procedures do the refugees go through, if they wish to access, use, and manage land in the host community?
10. What use and management rights do refugees have on the land that you give them?
11. What is your experience with the refugees in terms of use and management of land?
12. What are your challenges do you face by giving out land to the refugees?
13. What suggestions do you have for best land access, use and management of your land especially that you both share these land resources with the refugee?

### **Focus Group Interview Guide**

1. Do you have any knowledge on how land is accessed in the host community?  
Yes/No, if yes, please explain.
2. What are the common arrangements for refugees to access land beyond the settlement?
3. What are your experiences of refugees accessing land in the host community?
4. What barriers or challenges do refugees face in trying to access, use and management land beyond the settlement?
5. Are there any discriminatory practices against refugee women in accessing land in the host community? If yes, what are these practices and how do they affect the women?
6. What suggestions do you have for best land use and management practices by refugees in the settlement area?



### **APPENDIX 3: NSD Form**

The overarching purpose of this thesis research is to investigate the land access and management rights among refugee women in Uganda. This project is funded by collaborative Action for strengthening Training Capacities in Climate Risk and Natural Resources Management (COSTCLIM) project that aims for collaborative action for strengthening training capacities in Climate Risk and Natural Resources management project. In this letter we will give you information about the purpose of the project and what your participation will involve.

#### **Purpose of the project**

For this master's thesis my focus is on how the social and institutional structures affect land access and management rights among refugee women in Lobule Refugee settlement, Uganda. Displaced populations are vulnerable to secure land rights to improve on their food security. I believe this research is important to provide information for improved land use and management practices among Refugee hosting communities.

To understand how refugee women access, use and manage land, this research has three questions:

1. What conditions influence access to land by refugee women in the settlement area?
2. How do refugee women access land in the settlement area?
3. What are the implications of refugee women's access to land in the settlement area?

The data collected during this study will be used for the study described above.

#### **Who is responsible for the research project?**

Norges teknisk-naturvitenskapelige universitet (NTNU), Institutt for **geografi**, and Makerere University (MUK), Uganda(s),] is the institution responsible for the project.

#### **Why are you being asked to participate?**

In order to explore how refugee women access and manage land in the settlement area, I have identified different stakeholder groups who I would like to interview. Specifically, I am interested in interviewing government officials, Non-governmental Organisation staff, local leaders, landowners, and refugees. I have categorized the stakeholder groups based on their occupation, age, and connection to the study areas. If you have received this letter, it is because you have been identified as belonging to one of these stakeholder groups. Additionally, before receiving this letter, you will be contacted by me via phone, physical visit to your offices and asked to participate in the study.

#### **What does participation involve for you?**

The research project shall conduct in-depth interviews, observations, two (2) Focus group interviews comprising of refugees, technical staff, landowners, and community leaders. If you chose to take part in the project, this will involve that you take part in the Focus group discussions. This will take approximately 45minutes to I hour. The questions are about how refugee women access land in this community for agriculture to improve their livelihood, and the opportunities or strategies available for increasing women access to land for agriculture. Your answers will be recorded on paper and electronically (sound recording) with your consent.

## **Participation is voluntary.**

Participation in the project is voluntary. If you chose to participate, you can withdraw your consent at any time without giving a reason. All information about you will then be made anonymous. There will be no negative consequences for you if you chose not to participate or later decide to withdraw.

## **Your personal privacy – how we will store and use your personal data.**

We will only use your personal data for the purpose(s) specified in this information letter. We will process your personal data confidentially and in accordance with data protection legislation (the General Data Protection Regulation and Personal Data Act).

- Norwegian university of science and technology Supervisors (Prof. Haakon Lein and Dr. Charlotte Nakakawa Jjunju) of the project shall have access to the personal data and Akandru Mariam (Student).
- I will replace your name and contact details with a code. The list of names, contact details and respective codes will be stored separately from the rest of the collected data», the data shall be stored on a NTNU research server, locked away/encrypted, etc.

## **What will happen to your personal data at the end of the research project?**

The project is scheduled to end [31.08.2023]. All the collected data will be deleted at the end of the project.

## **Your rights**

So long as you can be identified in the collected data, you have the right to:

- access the personal data that is being processed about you.
- request that your personal data is deleted.
- request that incorrect personal data about you is corrected/rectified.
- receive a copy of your personal data (data portability), and
- send a complaint to the Data Protection Officer or The Norwegian Data Protection Authority regarding the processing of your personal data

## **What gives us the right to process your personal data?**

We will process your personal data based on your consent.

Based on an agreement with [Norwegian University of Science and Technology], NSD – The Norwegian Centre for Research Data AS has assessed that the processing of personal data in this project is in accordance with data protection legislation.

## **Where can I find out more?**

If you have questions about the project, or want to exercise your rights, contact:

/[Norwegian University of Science and Technology] via [Prof Haakon Lein, [haakon.lein@ntnu.no](mailto:haakon.lein@ntnu.no), +47 91897634 or +47 73591913, Dr. Charlotte Anne Nakakaawa Jjunju, [charlotte.jjunju@ntnu.no](mailto:charlotte.jjunju@ntnu.no), +47 99483114/.

- Our Data Protection Officer: [Thomas Helgesen, [thomas.helgesen@ntnu.no](mailto:thomas.helgesen@ntnu.no), +47 93079038
- NSD – The Norwegian Centre for Research Data AS, by email: ([personverntjenester@nsd.no](mailto:personverntjenester@nsd.no)) or by telephone: +47 55 58 21 17.

Yours sincerely,  
Mariam Akandru

Project Leader  
(Researcher/supervisor)

Student (if applicable)

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### Consent form

*Consent can be given in writing (including electronically) or orally. NB! You must be able to document/demonstrate that you have given information and gained consent from project participants i.e. from the people whose personal data you will be processing (Hasanpour & khosravi shaabaani, 2023). As a rule, we recommend written information and written consent.*

- *For written consent on paper, you can use this template.*
- *For written consent, which is collected electronically, you must choose a procedure that will allow you to demonstrate that you have gained explicit consent (read more on our website)*
- *If the context dictates that you should give oral information and gain oral consent (e.g., for research in oral cultures or with people who are illiterate) we recommend that you make a sound recording of the information and consent.*

*If a parent/guardian will give consent on behalf of their child or someone without the capacity to consent, you must adjust this information accordingly. Remember that the name of the participant must be included.*

*Adjust the checkboxes in accordance with participation in your project. It is possible to use bullet points instead of checkboxes. However, if you intend to process special categories of personal data (sensitive personal data) and/or one of the last four points in the list below is applicable to your project, we recommend that you use checkboxes. This because of the requirement of explicit consent.*

I have received and understood information about the project [***Land access and management Rights among refugee women in Uganda. A case study of Lobule Refugee Settlement.***] and have been given the opportunity to ask questions. I give consent:

- to participate in *(the Focus Group Discussion)*
- Not to participate in *(the Focus Group Discussion)*

I give consent for my personal data to be processed until the end date of the project, approx. [31.08.2023]

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(Signed by participant, date)



## APPENDIX 4: Permission letter from OPM



THE REPUBLIC OF UGANDA

### OFFICE OF THE PRIME MINISTER

PLOT 9-11 APOLLO KAGGWA ROAD. P.O. BOX 341, KAMPALA, UGANDA

TELEPHONES: General Line 0417 770500, Web: www.opm.go.ug, E-mail: ps@opm.go.ug



In any correspondence on this subject, please quote No: OPM/R/163

July 8, 2022

Ms. Mariam Akandru,  
Msc. Natural Resource Management (Geography),  
Geography Department,  
NTNU, Trondheim-Norway.

#### PERMISSION TO UNDERTAKE RESEARCH IN LOBULE REFUGEE SETTLEMENT

Office of the Prime Minister is in receipt of your letter dated July 4, 2022 in regard to the above subject matter.

Permission is hereby granted to you to undertake fieldwork research on "**How Refugee Women Access Land Outside the Settlement within the Host Community**", in Lobule Refugee Settlement from July 18 to August 22, 2022.

You are requested to observe the rules and regulations governing the settlement.

Office of the Prime Minister Authorities in the Settlement are hereby requested to accord you the necessary assistance.

  
Bafaki Charles  
For: PERMANENT SECRETARY.



c.c.: The Refugee Desk Officer, Arua  
c.c.: The Settlement Commandant, Lobule Refugee Settlement

OPM Vision: A Public Sector that is responsive and accountable in steering Uganda towards rapid economic growth and development.



## APPENDIX 5: Permission letter from Koboko District Local Government

Our Ref: CR/D/106  
Your Ref:.....  
Office Line: **0372280126**



The Republic of Uganda

**Koboko District Local Government**  
Office of the Chief Administrative  
Officer  
P.O. Box 1, Koboko  
Email: kobokodistrict2011@gmail.com

**Date: 18<sup>th</sup> July 2022**

Ms. Mariam Akandru,  
MSc. Natural Resource Management (Geography),  
Geography Department,  
NTNU, Trondheim-Norway.

### REQUEST TO UNDERTAKE RESEARCH IN LOBULE SUB-COUNTY.

Am in receipt of your dated **13<sup>th</sup> -July -2022** requesting permission to under fieldwork/research in lobule sub county.

By copy of this letter, I wish to inform you that your request to undertake data collection to enrich your research within the Host Community of Lobule Refugee Settlement from 18<sup>th</sup> July to 22 August 2022 has been granted.

The Sub-County Chief Lobule is hereby informed and in the same vein asked render all the necessary assistance

**Mabe Ismail**



**For: Chief Administrative Officer-Koboko**

- Cc: District Chairperson – Koboko
- Cc: Settlement Commandant – Lobule Refugee Settlement
- Cc: Sub-County Chairperson -Lobule
- Cc: Sub-County Chief -Lobule



## APPENDIX 6: Photos from the Field



**Picture (1)** Researcher standing at the entrance of Lobule Refugee settlement Base Camp

**Picture (2)** A local leader giving direction to one of the refugee homes for an individual interview.

**Picture (3)** Researcher conducting a Focus Group discussion in Waju II village.

